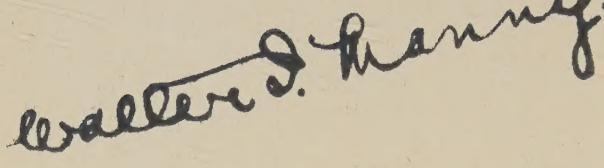

Publication Number Twenty-two

OF THE

ILLINOIS STATE HISTORICAL LIBRARY

Transactions

OF THE

Illinois State Historical Society

FOR THE YEAR 1916

Seventeenth Annual Meeting of the Society, Springfield, Illinois, May 11-12, 1916

Board of Trustees of the Illinois State Historical Library

[Printed by authority of the State of Illinois.]

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OFFICERS OF THE SOCIETY.

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MRS. JESSIE PALMER WEBER.....Springfield

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The Presidents of Local Historical Societies.

EDITORIAL NOTE.

Following the practice of the Publication Committee in previous years, this volume includes, besides the official proceedings and the papers read at the last annual meeting, some essays and other matter contributed during the year. It is hoped that these "contributions to State History" may, in larger measure as the years go on, deserve their title, and form an increasingly valuable part of the Society's transactions. The contributions are intended to include the following kinds of material:

1. Hitherto unpublished letters and other documentary material. This part of the volume should supplement the more formal and extensive publication of official records in the Illinois historical collections, which are published by the trustees of the State Historical Library.

2. Papers of a reminiscent character. These should be selected with great care, for memories and reminiscences are at their best an uncertain basis for historical knowledge.

3. Historical essays or brief monographs, based upon the sources and containing genuine contributions to knowledge. Such papers should be accompanied by foot-notes indicating with precision the authorities upon which the papers are based. The use of new and original material and the care with which the authorities are cited, will be one of the main factors in determining the selection of papers for publication.

4. Bibliographies.

5. Occasional reprints of books, pamphlets, or parts of books now out of print and not easily accessible.

Circular letters have been sent out from time to time urging the members of the Society to contribute such historical material, and appeals for it have been issued in the pages of the *Journal*. The committee desires to repeat and emphasize these requests.

It is the desire of the committee that this annual publication of the Society shall supplement, rather than parallel or rival, the distinctly official publications of the *State Historical Library*. In historical research, as in so many other fields, the best results are likely to be achieved through the cooperation of private initiative with public authority. It was to promote such cooperation and mutual undertaking that this Society was organized. Teachers of history, whether in schools or colleges, are especially urged to do their part in bringing to this publication the best results of local research and historical scholarship.

In conclusion it should be said that the views expressed in the various papers are those of their respective authors and not necessarily those of the committee. Nevertheless, the committee will be glad to receive such corrections of fact or such general criticism as may appear to be deserved.

CONSTITUTION OF THE ILLINOIS STATE HISTORICAL SOCIETY.

ARTICLE I—NAME AND OBJECTS.

SECTION 1. The name of this Society shall be the ILLINOIS STATE HISTORICAL SOCIETY.

SEC. 2. The objects for which it is formed are to excite and stimulate a general interest in the history of Illinois; to encourage historical research and investigation and secure its promulgation; to collect and preserve all forms of data in any way bearing upon the history of Illinois and its peoples.

ARTICLE II—OFFICERS OF THE SOCIETY—THEIR ELECTION AND DUTIES.

SECTION 1. The management of the affairs of this Society shall be vested in a board of fifteen directors, of which board the President of the Society shall be ex officio a member.

SEC. 2. There shall be a President and as many Vice Presidents, not less than three, as the Society may determine at the annual meetings. The board of directors, five of whom shall constitute a quorum, shall elect its own presiding officer, a Secretary and Treasurer, and shall have power to appoint from time to time such officers, agents and committees as they may deem advisable, and to remove the same at pleasure.

SEC. 3. The directors shall be elected at the annual meetings and the mode of election shall be by ballot, unless by a vote of a majority of members present and entitled to vote, some other method may be adopted.

SEC. 4. It shall be the duty of the board of directors diligently to promote the objects for which this Society has been formed and to this end they shall have power:

(1) To search out and preserve in permanent form for the use of the people of the State of Illinois, facts and data in the history of the State and of each county thereof, including the pre-historic periods and the history of the aboriginal inhabitants, together with biographies of distinguished persons who have rendered services to the people of the State.

(2) To accumulate and preserve for like use, books, pamphlets, newspapers and documents bearing upon the foregoing topics.

(3) To publish from time to time for like uses its own transactions as well as such facts and documents bearing upon its objects as it may secure.

(4) To accumulate for like use such articles of historic interest as may bear upon the history of persons and places within the State.

(5) To receive by gift, grant, devise, bequest or purchase, books, prints, paintings, manuscripts, libraries, museums, moneys and other property, real or personal, in aid of the above objects.

(6) They shall have general charge and control under the direction of the Board of Trustees of the Illinois State Historical Library, of all property so received and hold the same for the uses aforesaid in accordance with an act of the Legislature approved May 16, 1903, entitled, "An Act to add a new section to an act entitled, 'An Act to establish the Illinois State Historical Library and to provide for its care and maintenance, and to make appropriations therefor,'" approved May 25, 1889, and in force July 1, 1889; they shall make and approve all contracts, audit all accounts and order their payment, and in general see to the carrying out of the orders of the Society. They may adopt by-laws not inconsistent with this Constitution for the management of the affairs of the Society; they shall fix the times and places for their meetings; keep a record of their proceedings, and make report to the Society at its annual meeting.

SEC. 5. Vacancies in the board of directors may be filled by election by the remaining members, the persons so elected to continue in office until the next annual meeting.

SEC. 6. The President shall preside at all meetings of the Society, and in case of his absence or inability to act, one of the Vice Presidents shall preside in his stead, and in case neither President nor Vice President shall be in attendance, the Society may choose a President *pro tempore.*

SEC. 7. The officers shall perform the duties usually devolving upon such offices, and such others as may from time to time be prescribed by the Society or the board of directors. The Treasurer shall keep a strict account of all receipts and expenditures and pay out money from the treasury only as directed by the board of directors; he shall submit an annual report of the finances of the Society and such other matters as may be committed to his custody to the board of directors within such time prior to the annual meeting as they shall direct, and after auditing the same the said board shall submit said report to the Society at its annual meeting.

ARTICLE III—MEMBERSHIP.

SECTION 1. The membership of this Society shall consist of five classes, to wit: Active, Life, Affiliated, Corresponding, and Honorary.

SEC. 2. Any person may become an active member of this Society upon payment of such initiation fee not less than one dollar, as shall from time to time be prescribed by the board of directors.

SEC. 3. Any person entitled to be an active member may, upon payment of twenty-five dollars, be admitted as a life member with all the privileges of an active member and shall thereafter be exempt from annual dues.

SEC. 4. County and other historical societies, and other societies engaged in historical or archæological research or in the preservation of the knowledge of historic events, may, upon the recommendation of the board of directors, be admitted as affiliated members of this Society upon

the same terms as to the payment of initiation fees and annual dues as active and life members. Every society so admitted shall be entitled to one duly credited representative at each meeting of the Society, who shall, during the period of his appointment, be entitled as such representative to all the privileges of an active member except that of being elected to office; but nothing herein shall prevent such representative becoming an active or life member upon like conditions as other persons.

SEC. 5. Persons not active nor life members but who are willing to lend their assistance and encouragement to the promotion of the objects of this Society, may, upon recommendation of the board of directors, be admitted as corresponding members.

SEC. 6. Honorary membership may be conferred at any meeting of the Society upon the recommendation of the board of directors upon persons who have distinguished themselves by eminent services or contributions to the cause of history.

SEC. 7. Honorary and corresponding members shall have the privilege of attending and participating in the meetings of the Society.

ARTICLE IV—MEETINGS AND QUORUM.

SECTION 1. There shall be an annual meeting of this Society for the election of officers, the hearing of reports, addresses and historical papers and the transaction of business at such time and place in the month of May in each year as may be designated by the board of directors, for which meeting it shall be the duty of said board of directors to prepare and publish a suitable program and procure the services of persons well versed in history to deliver addresses or read essays upon subjects germane to the objects of this organization.

SEC. 2. Special meetings of the Society may be called by the board of directors. Special meetings of the boards of directors may be called by the President or any two members of the board.

SEC. 3. At any meeting of the Society the attendance of ten members entitled to vote shall be necessary to a quorum.

ARTICLE V—AMENDMENTS.

SECTION 1. The constitution may be amended by a two-thirds vote of the members present and entitled to vote, at any annual meeting: *Provided,* that the proposed amendment shall have first been submitted to the board of directors, and at least thirty days prior to such annual meeting notice of proposed action upon the same, sent by the Secretary to all the members of the Society.

AN APPEAL TO THE HISTORICAL SOCIETY AND THE GENERAL PUBLIC.

OBJECTS OF COLLECTION DESIRED BY THE ILLINOIS STATE HISTORICAL LIBRARY AND SOCIETY.

(Members please read this circular letter.)

Books and pamphlets on American history, biography, and genealogy, particularly those relating to the West; works on Indian tribes, and American archæology and ethnology; reports of societies and institutions of every kind, educational, economic, social, political, cooperative, fraternal, statistical, industrial, charitable; scientific publications of states or societies; books or pamphlets relating to the great rebellion, and the wars with the Indians; privately printed works; newspapers; maps and charts; engravings; photographs; autographs; coins; antiquities; encyclopedias, dictionaries, and bibliographical works. Especially do we desire

EVERYTHING RELATING TO ILLINOIS.

1. Every book or pamphlet on any subject relating to Illinois, or any part of it; also every book or pamphlet written by an Illinois citizen, whether published in Illinois or elsewhere; materials for Illinois history; old letters, journals.

2. Manuscripts; narratives of the pioneers of Illinois; original papers on the early history and settlement of the territory; adventures and conflicts during the early settlement, the Indian troubles, or the late rebellion; biographies of the pioneers; prominent citizens and public men of every county, either living or deceased, together with their portraits and autographs; a sketch of the settlements of every township, village, and neighborhood in the State, with the names of the first settlers. We solicit articles on every subject connected with Illinois history.

3. City ordinances, proceedings of mayor and council; reports of committees of council; pamphlets or papers of any kind printed by authority of the city; reports of boards of trade; maps of cities and plats of town sites or of additions thereto.

4. Pamphlets of all kinds; annual reports of societies; sermons or addresses delivered in the State; minutes of church conventions, synods, or other ecclesiastical bodies of Illinois; political addresses; railroad reports; all such, whether published in pamphlet or newspaper.

5. Catalogues and reports of colleges and other institutions of learning; annual or other reports of school boards, school superintendents, and school committees; educational pamphlets, programs and papers of every kind, no matter how small or apparently unimportant.

6. Copies of the earlier laws, journals and reports of our territorial and State Legislatures; earlier Governor's messages and reports of State officers; reports of State charitable and other State institutions.

7. Files of Illinois newspapers and magazines, especially complete volumes of past years, or single numbers even. Publishers are earnestly requested to contribute their publications regularly, all of which will be carefully preserved and bound.

8. Maps of the State, or of counties or townships, of any date; views and engravings of buildings or historic places; drawings or photographs of scenery; paintings; portraits, etc., connected with Illinois history.

9. Curiosities of all kinds; coins, medals, paintings; portraits; engravings; statuary; war relics; autograph letters of distinguished persons, etc.

10. Facts illustrative of our Indian tribes—their history, characteristics, religion, etc., sketches of prominent chiefs, orators and warriors, together with contributions of Indian weapons, costumes, ornaments, curiosities, and implements; also, stone axes, spears, arrow heads, pottery, or other relics.

In brief, everything that, by the most liberal construction, can illustrate the history of Illinois, its early settlement, its progress, or present condition. All will be of interest to succeeding generations. Contributions will be credited to the donors in the published reports of the Library and Society, and will be carefully preserved in the State house as the property of the State, for the use and benefit of the people for all time.

Communications or gifts may be addressed to the Librarian and Secretary.

(Mrs.) Jessie Palmer Weber.

COUNTY AND LOCAL HISTORICAL SOCIETIES IN ILLINOIS.

Adams County.—Quincy Historical Society, Quincy, Illinois.

President.....J. W. Emery
First Vice President.....Horace S. Brown
Second Vice President.....Henry Bornmann
Recording Secretary.....Miss Carrie Somerville
Corresponding Secretary.....Miss Mary Bull
Treasurer.....Mrs. C. J. Parker
Librarian.....Mr. Wm. H. Gay
Historographer.....E. F. Bradford

Boone County Historical Society, Belvidere, Illinois.

President.....Jackson G. Lucas
Secretary.....Richard V. Carpenter

Bureau County Historical Society, Princeton, Illinois.

President.....Edwin B. Cushing, Tiskilwa, Ill.
Vice President.....C. C. Perrier, Sheffield, Ill.
Recording Secretary.....P. E. Anderson, Princeton, Ill.
Corresponding Secretary.....Miss Fannie Moseley
Assistant Corresponding Secretary.....H. C. Roberts, Princeton, Ill.

Champaign County Historical Society, Champaign, Illinois.

President.....J. O. Cunningham
Secretary.....E. B. Greene

Chicago Historical Society, Chicago, Illinois.

President.....Clarence A. Burley, 79 West Monroe Street
Vice President.....George Merryweather, 606 Strauss Building
Vice President.....Otto L. Schmidt, 1205 First National Bank Building
Secretary.....Seymour Morris, 112 West Adams Street
Treasurer.....Orson Smith, 112 West Adams Street
Librarian.....Miss Caroline McIlvaine, 632 North Dearborn Street

Elgin Scientific Club.

W. H. Brydges, Elgin, Ill.

Evanston Historical Society, Evanston, Illinois.

President.....J. Seymour Currey
Vice President.....Frank R. Grover
Secretary.....William C. Levere

Greene County Historical Society, Carrollton, Illinois.

No officers reported.

Jersey County Historical Society, Jerseyville, Illinois.

President.....Mr. O. B. Hamilton
Secretary.....John W. Vinson
.....Joseph W. Becker

Johnson County Historical Society, Vienna, Illinois.

President.....Wm. M. Grissom, Jr.
Secretary.....J. C. B. Heaton

Kankakee County Historical Society, Kankakee, Illinois.

President.....Dr. B. F. Uran
Vice President.....Mrs. W. F. Kenaga
Secretary.....Mrs. O. B. Spencer
Treasurer.....Mrs. M. S. Leavitt

Kendall County.—The Meramech Historical Society, Plano, Illinois.

President.....George McCormock
Secretary and Treasurer.....George S. Faxon

Knox County Historical Society, Galesburg, Illinois.

President.....Clark E. Carr
Secretary.....Mrs. Charles A. Webster

LaSalle County Historical Society, Ottawa, Illinois.

President.....Marshall N. Armstrong
Secretary.....C. C. Glover

Manlius, Rutland Township Historical Society, Marseilles, Illinois.

Auxiliary to the LaSalle County Historical Society.

President.....Terry Simmons, Marseilles, Ill.
Secretary-Treasurer.....Frank T. Neff

Logan County Historical Society, Lincoln, Illinois.

No officers reported.

Macon County Historical Society, Decatur, Illinois.

President.....John H. Culver
Vice President.....Luther F. Martin
Secretary.....John F. Wicks
Treasurer.....Letha B. Patterson

Macoupin County Historical Society, Carlinville, Illinois.

President.....C. A. Walker
Secretary.....George Jordon

McDonough County Historical Society, Macomb, Illinois.

No officers reported.

McLean County Historical Society, Bloomington, Illinois.

President.....George P. Davis
Secretary.....J. H. Burnham

Madison County Historical Society, Alton, Illinois.

President.....E. P. Wade
Secretary.....Miss Julia Buckmaster

Meramech Club.

Listed under *Kendall County.*

Morgan County Historical Society, Jacksonville, Illinois.

President.....Dr. C. E. Black
Secretary.....F. J. Heinl

Montgomery County.

.....A. T. Strange, Hillsboro, Ill.

Ogle County.—Polo Historical Society, Polo, Illinois.

.....J. W. Clinton, Polo, Ill.

Peoria Historical Society, Peoria, Illinois.

President.....Edw. McCullough
Secretary.....Helen M. Wilson

Piatt County Historical Society.

No organization.

Pike County Historical Society, Pittsfield, Illinois.

Fort Chartres Association, Prairie Du Rocher, Killian Coerver, Pres.

Rock Island County Historical Society, Rock Island, Illinois.

President.....Sherman W. Searle, Rock Island
Vice President.....Judson D. Metzher, Moline
Secretary.....John H. Hauberg, Rock Island
Treasurer.....Mrs. K. T. Anderson, Rock Island

St. Clair County Historical Society, Belleville, Illinois.

President.....J. Nick Perrin
Vice President.....E. A. Woelk
Secretary.....E. W. Plegge
Treasurer.....W. A. Hough

Whiteside County Historical Society, Sterling, Illinois.

Secretary.....W. W. Davis

Will County Pioneer Association, Joliet, Illinois.

No officers reported.

Woodford County Historical Society, Eureka, Illinois.

President.....L. J. Freese, Eureka, Ill.
Secretary.....Miss Amanda Jennings, Eureka, Ill.
Treasurer.....W. H. Smith, Eureka
Custodian.....Amos Marshall

Tazewell County Historical Society.

President.....W. L. Prettyman, Pekin, Ill.
Vice President.....Mrs. J. T. Foster, Washington, Ill.
Treasurer.....Levi Mosiman, Morton, Ill.
Secretary.....Mrs. W. R. Curran, Pekin, Ill.

PART I

Record of Official Proceedings
1916

SEVENTEENTH ANNUAL MEETING OF THE ILLINOIS STATE HISTORICAL SOCIETY, MAY 11-12, 1916.

The Historical Society convened in annual session, in the Senate Chamber in the Capitol Building.

The business meeting was held Friday morning, May 12. The President of the Society, Dr. Otto L. Schmidt, presided at all sessions.

At the close of the evening meeting, after the presentation of the annual address by Mr. Kern, a resolution of thanks to the Governor and Mrs. Dunne, to the speakers at the meeting and others who had contributed to its success was offered by Professor J. A. James. The resolution was adopted by a rising vote.

Professor James, in offering the resolution, said: Mr. President, because of the success of the seventeenth annual program of this Society, I wish to move a vote of thanks to those who have contributed thereto—especially to the Hon. Fred J. Kern, of Belleville; O. W. Aldrich, of Columbus, Ohio; the Rev. W. A. Provine, of Nashville, Tenn.; the Rev. Ira W. Allen, of Paris, Ill.; W. J. Onahan, of Chicago; Miss Mabel Fletcher, of Decatur; notably also to Mrs. Dunne and the ladies assisting her in the most enjoyable reception, and to the ladies and gentlemen who have added to our pleasure by the fine musical numbers.

The program as printed was carried out. It is as follows:

SEVENTEENTH ANNUAL MEETING OF THE ILLINOIS STATE HISTORICAL SOCIEY.

THURSDAY AND FRIDAY, MAY 11-12, 1916.

Senate Chamber, Illinois State Capitol Building, Springfield.

The Public Cordially Invited to Attend All Sessions.

ORDER OF EXERCISES.

Senate Chamber.

THURSDAY MORNING, MAY 11, 10:00 O'CLOCK.

Mr. N. H. Debel.....The Veto Power of the Governor of Illinois
University of Hlinois, Urbana, Ill.

Mr. Ralph Linton.....The Indian History of Illinois
University of Illinois, Urbana, Ill.

Mr. Joseph J. Thompson.....Oddities in Early Illinois Laws
Chicago, Ill.

THURSDAY AFTERNOON, 2:30 O'CLOCK.

Rev. W. A. Provine.....Jacques Thimeté DeMombreun
Nashville, Tenn.

Rev. Ira W. Allen.....Early Presbyterianism in East Central Illinois
Paris, Ill.

THURSDAY EVENING, 8:00 O'CLOCK.

Reception—Governor and Mrs. Edward F. Dunne will receive the Historical Society at the Executive Mansion.

Mr. W. J. Onahan.....Random Recollections of Sixty Years in Chicago
Chicago, Ill.

ORDER OF EXERCISES.

Meeting of Directors in Office of Secretary at 9:00 o'Clock.
Senate Chamber.

FRIDAY MORNING, MAY 12, 10:00 O'CLOCK.

Business Meeting of the Society, Senate Chamber, 10:00 o'Clock.
Reports of Officers.
Reports of Committees.
Miscellaneous Business.
Election of Officers.

Professor J. A. James.....
Northwestern University, Evanston, Ill.
The Work of the Illinois Park Commission and the Preservation of Historical Sites.

FRIDAY AFTERNOON, 2:30 O'CLOCK.

Mr. O. W. Aldrich.....Slavery and Involuntary Servitude in Illinois
Columbus, Ohio.

Miss Mabel E. Fletcher.....Old Settlers' Tales
High School, Decatur, Ill.

FRIDAY EVENING, 8:00 O'CLOCK.

Hon. Fred J. Kern, Annual Address.....
Belleville, Ill.
.....The First Two Counties of Illinois and Their People.

BUSINESS MEETING, MAY 12, 1916.

The annual business meeting of the Illinois State Historical Society was called to order at 10 o'clock Friday, May 12, 1916, by the President, Doctor Otto L. Schmidt. The reading of the previous year's minutes was dispensed with.

Doctor Schmidt then introduced Mrs. George A. Lawrence, of Galesburg, Ill., who has been very active in the work of planning and procuring a State flag not alone in the legislation but also in the planning of the flag itself as well as in the making of it.

Mrs. Lawrence then signified her desire to present to the Illinois State Historical Society a silk flag, banner or insignia of the State. She explained that she was unable to bring the flag with her but that there were a number of people present at the meeting who had seen it and could testify as to the feasibility of its acceptance. Some four years ago she stated she had felt the necessity very strongly of a flag or banner for the State of Illinois. At the time in question Mrs. Lawrence was Illinois State Regent of the Daughters of the American Revolution and had felt the need in Congress in Washington and at other large committee meetings of a banner to designate the people of Illinois. She took the matter up with the Daughters of the American Revolution of the State and had the support of about 5,000 members. Then steps were taken to introduce a bill in the Senate and House for the adoption of the flag and the Daughters of the State were greatly indebted to Mr. Raymond B. Meeker of the Twenty-fourth Senatorial District of the State, who introduced a bill in the Senate for that purpose.

This bill after passage in the Senate was sent to the House of Representatives and was in charge of the Hon. Thomas Gorman. It is now a law of the State and we are authorized to reproduce in black or in the national colors upon a white sheet or background for use as a State banner the great seal of the State of Illinois and it is available to our use as an organization and as a distinctly State flag.

In February, 1916, Mrs. Lawrence secured from the Secretary of State, Hon. Lewis G. Stevenson, Jr., for use the emblem of this great State, the seal of Illinois, and ordered several flags of white silk 3 by 5 feet in size. They have gold fringe and the emblem in the national colors is shown on this white background and the flag itself is very attractive. One was presented at the State Conference of the Daughters of the American Revolution at Ottawa in March, 1916, another given to the Secretary of State, Hon. Lewis G. Stevenson and another to Memorial Continental Hall, Daughters of the American Revolution, at Washington, D. C., where it hangs with the forty other state flags. The fourth flag is the one which Mrs. Lawrence expressed a desire to present to the Illinois State Historical Society.

Colonel Clark E. Carr made a few remarks and spoke of the public spirit and generosity of Mrs. Lawrence and expressed his pleasure at her wish to present to the Historical Society this beautiful flag. He also expressed his pleasure at the fact that Mr. Lawrence was a vice president of the Society. He also was glad that there is an Illinois flag.

While yet speaking, Colonel Carr said he wanted to thank the Society of which he had been president for so many years and to express his gratitude for the way he had been treated. He also spoke of his high regard for the president of the Society, Doctor Schmidt, and dwelt on the capable manner in which the affairs of the Society were conducted.

Mrs. Weber said she wanted to state that she had had the pleasure of seeing the flag at Ottawa and that it was very effective and very beautiful. That the Daughters of the American Revolution were very enthusiastic about it and felt that they should have one in Washington and were very proud of its appearance and that she was sure that the members of the Illinois State Historical Society would be pleased, indeed, to receive this generous gift.

Doctor Schmidt stated that the matter of the adoption of this flag was a matter of such great labor and that the development of the flag and the presentation of it to the Historical Society a matter of such moment and value that he thought it required more. He suggested somebody, possibly Professor James, to make a motion of thanks to Mrs. Lawrence.

Professor James said he had wanted to make such a motion but thought perhaps that the Society might have another order of business. He then moved that the Society tender to the donor of the flag, Mrs. Lawrence, their high appreciation of the thought back of it in recognizing the need of such an emblem. The motion was seconded by Mr. H. W. Clendenin.

The next order of business was the reading of reports. Mrs. Jessie Palmer Weber, Secretary of the Historical Society then gave her report. The Chairman asked what should be done with the report and it was moved by Doctor Greene that it be placed on file. Motion seconded and carried. Mrs. Weber then gave her report as Treasurer of the Society. The Chairman asked what should be done with this report and it was moved by Mrs. I. G. Miller that it be adopted. Seconded and carried.

Mr. Clendenin spoke of the death of Mr. J. McCan Davis, a member of the Historical Society and suggested that the Secretary be requested to call on the widow of Mr. Davis and express to her the condolences of the Society and its desire to assist her in every way.

Doctor Schmidt put the motion to the Society that the condolences of the Society be given to the family of Mr. Davis and that resolutions on the death of Mr. Davis be drawn up. The motion was seconded and carried.

Doctor Schmidt spoke of the report of Mrs. Weber and stated that the work of the Society had been so thoroughly covered in it that there was little for him to say outside of the fact that the work of the Society is done essentially by Mrs. Weber and not by the President. The work of the President follows largely in assisting committees, such as the

Building Committee. He stated that he thought it was the Historical Society that years ago offered the idea of a historical building for the purposes of the Society as the Society would never come into its own nor accomplish its work until it had a building of this kind, for its library and various departments. The project, however, was too large for the Society as an organization and necessarily through the various lapses passed into the hands of committees; the Building Committee, the State Art Commission, the Centennial Commission. Valuable progress has been made and finally a committee was appointed for the purpose of buying land. About three or five years ago plans were made for a building. It was suggested that an apartment building be purchased and transformed into a home for the Society and other departments of the State. That would have been waste of money, etc. Through the energetic action of Mr. Martin Roche, the famous architect of Chicago, and a member of the Art Commission, the plan of the building was for sometime dropped and more land sought. His plan was a great plan for the future of Springfield. It was not alone the State building but the beautification of the entire city, the removal of the Chicago & Alton Railroad viaduct and all such things; the purchase of the land south and west. The eventual disappearance of this building, of course, not within a short time but within 20 or 30 years. This plan was somewhat too ambitious but finally the plan was to purchase the land south. The last Legislature a year ago voted $125,000 for the purpose of purchasing this property provided that the city would raise $100,000. This agreement was made after considerable discussion because $100,000 seemed a very large sum. Dr. Schmidt stated, however that he had noticed by the morning papers that $93,000 of this sum had been raised and there remained but the sum of $7,000* yet to raise. At the next session of the Society will come up undoubtedly the matter of the building of this building. This building, of course, will be associated with the centennial. Here, of course, comes in the Centennial Building Committee with Mr. Waller at its head. This is the first meeting where positive progress towards the final obtainment of the wish of the Society could be definitely stated. Dr. Schmidt said that he thought that at the next meeting of the Society progress on the building proposition could be reported as he understood that the Governor had intimated that the Historical Society would be the first to be taken care of. He also spoke of his part in the work of the previous Centennial Commission which was instituted by resolution introduced by Senator Campbell S. Hearn, of Quincy, who, it is a matter of great regret, departed a year and a half ago but who nevertheless saw the fulfillment of his wish in the direction of a commission for the accomplishment of the work and the assurance of the permanent carrying out of his plans. Senator Hearn was succeeded by Senator Magill as president of the commission. At the last regular session another commission was appointed and was declared illegal in the summer of 1915. A second commission was appointed at the special session in the Fall. This bill was not signed by the Governor on account of certain irregularities which would also have been illegal and declared void and would have been associated with further expense and loss of

* The entire sum of $100,000 was raised by the citizens of Springfield.

time. So at the second special session held early this year another bill was passed and on this commission there were to be no legislators of the State consequently it was necessary for the Governor to appoint private citizens. Dr. Schmidt then spoke of the personnel of the present Centennial Commission and said he thought that the Governor had been very fortunate in securing such an active and able commission. He stated that the Historical Society had been honored by the Governor in the selection of three of its members, Mrs. Weber, Doctor Greene and himself, and assures the Historical Society its representation in its work, etc., in the final celebration of the Centennial. Senator Magill is the chairman of the celebration in Springfield, that is at the Capitol. Dr. Edward Bowe, of Jacksonville, is also a member. Of the State-wide Celebration Rev. Royal W. Ennis, of Hillsboro, is chairman; of the Publicity Committee Rev. Frederick Siedenburg, of Chicago, is chairman. Excellent progress has been made and in a few weeks all the county officials from judges to clerks will be notified and requested to begin their work of appointing committees, etc. Dr. Schmidt spoke of how fortunate it was that Senator Hearn started this work a few years ago and spoke of the efforts of the Indiana Centennial Commission, they organized last summer with only a small amount of money and have had great difficulty in elaborating plans to celebrate this year. Some of their celebrations have already begun.

He then told of the historical monuments to be placed on the Capitol grounds. This matter is also in the hands of the Centennial Commission, although the State Art Commission has the planning of the monuments—one of which is to Lincoln, the other to Douglas. He spoke very highly of the Art Commission and its personnel and spoke of the interest expressed by all and especially by Senator Magill in securing a sculptor to do this work, especially for the Lincoln statue which is to be placed at the main approach to the building. The model of this monument in plaster can be seen in the workshop of the sculptor, Mr. O'Connor, and it is said to be of exceptional beauty. Senator Magill has a photograph of Lincoln. It represents Lincoln leaving Springfield and according to this photograph the monument certainly surpasses any monument at present extant—better even than the St. Gaudin's. This monument is to be unveiled during the Centennial year.

The Douglas monument was in the hands of the late C. J. Mulligan, who passed away four months ago and the final completion of this work has not yet been decided upon.*

Doctor Schmidt called attention to the fact that while as President of the Historical Society he was not very busy in the Society except at the meetings, he has been in Springfield on an average of every two weeks during the course of the year. He requested a report from Professor Greene, President of the Board of Trustees of the Illinois State Historical Library, asking that he give a short resume of the work of this board also a few remarks as to the Publication Committee of the Illinois State Centennial of which Professor Greene is chairman.

Professor Greene stated that he had not prepared any formal report but that he would be very glad to state briefly the work of the Library

* Gilbert P. Riswold sculptor of Chicago, has been selected for the Douglas statue.

Board during the past year especially the work on the publications issued by the board. During the last year and a half, Dr. Greene, said, there has been issued three rather notable volumes of the Historical Collections. This is the first volume of its kind ever gotten out by any State of the Union up to this time. That is the report of the archives of the State prepared by Professor Pease. This is the result of a special appropriation made by the Legislature to the Library Board about four years ago. Three men were sent out at different times up and down the State to look into the condition of the various county buildings and how kept and to bring all these things together in a report. In a single volume, therefore, is to be found a brief account of the more important classes of papers and books to be found in any particular building. Mr. Pease received very helpful advice from the county clerks in the State. The volume will do a great deal of practical service in bringing up the standard of the keeping of these county records. Doctor Greene stated he hoped that the members of the Historical Society in general would provide themselves with a copy of this volume and interest themselves in the records of the counties in which they live. A great deal can be done in improving the character of the records and how they are kept.

Two other volumes have been published in which have been brought together the material available not only in Illinois, not only in the United States but in Paris and London during the British occupancy until the coming of George Rogers Clark in 1778.

The board has in view the publishing of volumes in the near future which will include a continuation of the work of Professor James' work on Illinois in the Revolution and a continuation of other volumes which when completed will bring together practically all that can be learned of the condition of Illinois during that period of history. The Library Board is also considering rather seriously as the special contribution of the Library to the Centennial a volume of Statehood documents. This, however, has not been definitely decided upon.

Doctor Greene spoke of the work of the Centennial Commission and stated that the commission acting through the Publication Committee has made arrangements for the publication of two things. First, a volume which it is hoped to have issued during the year 1916 containing material descriptive of Illinois as it was in 1818. This is expected to be an advance volume preparing for the Centennial Celebration. There is also in hand a centennial history in five volumes from the Indian archaeology of the State down to the present time. These are all under the general editorship of Professor C. W. Alvord and under contracts which call for the completion of the work during the centennial year. This centennial history is going to be made as accurate as possible but also to make it the sort of book that people would like to read.

Doctor Schmidt, the chairman of the Society, then called for the report of the Genealogical Committee, which was read by Miss Georgia L. Osborne.

This report was received and placed on file.

Doctor Schmidt then called on Miss Lotte E. Jones, of Danville, to make a few remarks on a piece of work in which she has been actively engaged, namely the Lincoln Circuit.

Miss Jones said that about a year ago the Daughters of the American Revolution of the counties between Danville and Springfield—Vermilion, Champaign, Macon and Sangamon—organized for the purpose of marking the routes of Lincoln from one county seat to another in the active pursuit of his work during the years immediately preceding his life as president. In Greene County there was no D. A. R. It seemed that it would be necessary to go out of the organization for help, but the matter has been attended to and the route is to be marked which Lincoln, the man, traveled in his actual daily work. Miss Jones stated that the D. A. R. were led to do this through Judge Cunningham, who was the last one of his group that traveled from one county to another, and it was found that there were fifteen counties. These counties have the same right to be marked as from Danville to Springfield. So there will be fifteen counties to cover and it will be the ambition and desire of the D. A. R. to secure the moral support of the Centennial Commission and to accomplish this marking of the Lincoln Circuit as a part of the centennial work. It is expected to have this circuit marked by 1918. It would be the plan to have large committees of women in each county. Fifteen or twenty designs were submitted, but it was finally decided to have simply a dull stone stating that this was the old Lincoln route. There are difficulties in the way of getting the proper kind.

Doctor Schmidt asked if there were any further reports of committees.

Mr. Ensley Moore of Jacksonville made a suggestion to the effect that the Secretary be authorized to cast the ballot for the officers at present incumbent.

Doctor Schmidt stated that he thought the motion was out of order, that the election of officers was the last order of business to be performed.

Doctor Schmidt then announced that Professor J. A. James had consented to give his paper at the afternoon session as Professor Carl Fish, one of the speakers was unable to come. He then asked if there were any other historical reports.

Mrs. Weber read a letter from the Jersey County Historical Society.

Mr. George W. Smith gave a brief talk on the activities of the Jackson County Historical Society. He said that they had started out with the idea of getting up a centennial celebration and felt that the people quickest to interest would be the school teachers. That they expected to interest a large number of people in the Jackson County celebration; that they had organized the Jackson County Historical Society with a small membership and that they hope to have the cooperation of the county board for expenses, room, etc., and that they were beginning at this time a work that should have been done ten or fifteen years ago. Mrs. P. T. Chapman, of Vienna, has put up three monuments on the trail of George Rogers Clark running through Jackson County; one on Indian Point, one directly due west of the town of Vienna and on the gap of the Ozark Ridge. He said he had asked Representative Chapman if he could not secure an appropriation of some money when a member of Congress for the purpose of officially declaring the route that George Rogers Clark took from Fort Massac to

Kaskaskia and from Kaskaskia to Vincennes and have it marked. Mr. Chapman said that there were so many demands that he was afraid he could not do it. Mr. Smith thought that steps should be taken to get Congress or the State Legislature to make an appropriation for a survey of the route to be done officially. Mr. Smith told of a letter he had received from Mr. Reuben Gold Thwaites with regard to this trail.

Captain J. H. Burnham, of Bloomington, told of the activities of the McLean County Historical Society. He said that they had headquarters in the court house, but as that building was becoming crowded, the Society were now looking around for a building of their own which they hoped to have by 1922, the one hundredth anniversary of the settlement of the county.

Doctor Schmidt suggested that it would be a good idea to appoint a committee to keep alive the matter of the George Rogers Clark trail.

Professor J. A. James said that he was glad that Mr. Smith brought this matter to the attention of the Society. He said that the question had been asked him as to the trail of Clark to Kaskaskia, as the Sons of the American Revolution of Chicago want to make a trip from Kaskaskia to Vincennes and that he had had to tell them that he did not know. He believed that the means to officially place it could be obtained and that the matter should not be let go longer. That it was a good piece of work to do and that now was the time to do it. That this State is not alone interested in it but that the states surrounding Illinois also had an interest in it. Professor James then made a motion that such a committee be appointed to be composed of three or five members. Doctor Greene seconded the motion. Carried.

Mrs. Weber then read a communication to the Governor from Mr. Dowdall relative to the heirs of Shabbona, the white man's friend, on which the Governor wished some action taken.

Doctor Schmidt asked what should be done in regard to this letter.

Doctor Rammelkamp moved that the matter be placed in the hands of the President and Secretary of the Historical Society for action. Motion seconded by Mr. Andrew Russel. Carried. That the matter was to be placed in the hands of the President and Secretary and that a report should be made to the next meeting of the directors. Carried.

Doctor Schmidt then told of having received a communication from a bonding house with reference to the log hut in which Lincoln lived. That from 1832 to 1838 he was said to have lived in the house of Bowling Green and there he studied law. After the death of Ann Rutledge he was greatly depressed and Mr. Green interested him in the study of law and thus performed a great service for the country. This hut was later taken to the Chautauqua grounds near Petersburg where it was seen for a number of years and finally allowed to fall into decay. Doctor Schmidt showed pictures of the hut and read affidavits in regard to it. He also spoke of the prices asked for it and pointed out how little of the original building still remained.

Captain Burnham called attention to the newspaper account that he had recently seen in this connection and said that the Chautauqua Association was about to go into bankruptcy for $10,000. That this building is on ground worth four or five thousand dollars. He said that

he understood that Mr. William Randolph Hearst of New York gave the Chautauqua Association the option of making certain improvements and that the Society has been unable to carry out these conditions and are much embarrassed.

Doctor Schmidt said that of course the Society could not do anything. That a few weeks ago he had intended going down there simply to look over the remnants of the old hut.

Doctor Rammelkamp agreed with Captain Burnham that the matter ought to be looked into carefully. He wondered if it could not be accurately determined by persons who had experience in this line if a log that had been cut down and exposed for a matter of eighty-two years or more would still be in existence. How long it would take for it to return to the soil.

Mr. Clinton of Polo suggested that Rev. John A. Lemmon who was present at the meeting was familiar with the Chautauqua affairs and might be helpful in deciding what the Society should do.

Rev. Mr. Lemmon said he was a product of Sangamon County. He said he had attended the Old Salem Chautauqua about sixteen years and had seen the cabin in its normal condition. He was present when Mr. Hearst made the deed over to the Chautauqua Association. What Captain Burnham had said about the conditions there was practically official.

Doctor Schmidt said if there was no further business to place before the Society the motion of Mr. Ensley Moore would then be in order.

Mr. Moore made a motion that the Secretary be authorized to cast the vote of the Society for the reelection of the present officers.

Mrs. Miller seconded the motion. Carried.

Mrs. Weber as Secretary of the Society cast the vote that all present officers be reelected.

Adjournment.

DIRECTORS' MEETING.

The Board of Directors of the Illinois State Historical Society met in the office of the Secretary, May 13, 1916.

There were present:

The Chairman, Doctor Otto L. Schmidt who presided and Messrs. Russel, Greene, Burnham, Smith, Clinton, Rammelkamp, J. A. James and the Secretary, Mrs. Weber.

The minutes of the previous meeting were read and approved.

The annual report of the Secretary of the Society was read, received and approved, and the Secretary was directed to read it to the Society in its business meeting.

A letter from Judge J. O. Cunningham, a director of the Society, was read by the Secretary in which Judge Cunningham expressed regret that he was unable to be present at this meeting.

The Secretary was directed to send a letter of acknowledgment to Judge Cunningham conveying good wishes of the directors.

The report of the Treasurer was read and approved and it was directed that it be read to the Society in the business meeting.

Mr. Clinton moved that the Secretary send out a questionaire, asking members to make suggestions as to what changes or improvements in their opinion would be beneficial to the Historical Society. This motion was amended by Captain Burnham who suggested that the matter be referred to the President and the Secretary of the Society. The amendment was accepted and the motion was carried. Captain Burnham spoke of a plan to hold directors' meetings at a time separate from the annual meeting in order that more time be available for the directors to consider the business of the Society.

After some discussion Captain Burnham moved that a committee of five of which the President of the Society be Chairman and the Secretary be a member, be appointed by the Chairman, this committee to meet within six months from this time, at the call of the Chairman. This motion was seconded by Mr. George W. Smith and was carried.

The President reported that members of the Society had been invited by the National Bureau of Historical Portraiture and other firms of photographers to have photographs taken to be placed on file in the Library, this to be without expense to the Society or its members, the photographers expecting to make their profit from the additional photographs ordered by individuals after the negatives are made.

Professor Greene moved that it is the opinion of the Board of Directors that the Historical Society take no action with regard to the matter of photographs as presented. This motion was seconded and was carried.

It was moved that the committee appointed at the annual meeting of 1915 to consider the subject of the articles of incorporation of the Society, the necessity of their amendment, etc., be continued and that it be asked to report to the next meeting of the Board of Directors. This motion was seconded and carried.

Mr. Clendenin spoke of the death of Mr. J. McCan Davis, long a member of the Historical Society and formerly its secretary. Mr. Clendenin was asked to prepare a suitable memorial to Mr. Davis to be presented to the Society and published in its transactions.

There being no further business presented the Board of Directors adjourned.

REPORT OF GENEALOGICAL COMMITTEE.

To the Officers and Members of the Illinois State Historical Society:

Your Committee on Genealogy and Genealogical Publications begs to submit the following report:

The interest in the department continues to grow and we have students working daily from all parts of the State and other states in the Union. We are trying to secure for our collection the county histories of the states which comprised the Northwest Territory, namely Ohio, Indiana, Michigan, Wisconsin. These with the one hundred and two county histories of Illinois are valuable for the biographies of the pioneers of these states, which we cannot find in any other way. We have also been searching for a long time around the old dealers and through correspondence for county histories of Virginia, Kentucky, North and South Carolina and Tennessee, as the central and southern parts of the State of Illinois were largely settled by people from these states. We have recently learned that Kentucky, while it has one hundred and nineteen counties has only published twenty county histories. Of this number we have eight in the library. Of Virginia, we have ten county histories out of the one hundred counties; Indiana, eighteen out of the one hundred and two counties; Ohio, nine out of the eighty-eight counties. While we may be able to secure some late county histories of these states, still for genealogical research the older county histories are the most valuable.

We are constantly on the look-out for family histories compiled by Illinoisans and have secured by gift the following for our collection:

The Blin Family—Gift of James W. Hill, of Peoria.

Blish Family—Gift of James Knox Blish, of Kewanee.

Fox Family—Gift of William A. Fox, of Chicago.

Goodwin & Morgan Ancestral Line—Gift of James J. Goodwin, of Hartford, Conn.

Hall Family—Gift of Dr. Omar O. Hall, Milford, Ill.

Major Family—Gift of James Branch Cabel, Dumbarton, Va.

Moore Family—Gift of A. A. Moore, Oakland, Calif.

Plumb Family, Preston B. Plumb—Gift of A. H. Plumb, of Emporia, Kan.

Lawrence Family, Williams Lawrence—Gift of Miss Cornelia Barton Williams, Chicago.

Paine Family; John Paine and Mary Ann May—Gift of Lyman May Paine, Chicago, Ill.

Loomis Family—Gift of Charles J. Loomis, Joliet, Ill.

Shiver Family—Gift of Harry Lawrence Shiver, Topeka, Kan.

These gifts we also acknowledge in the Journal of the Society. We ask the cooperation of the members of the Society in our efforts to secure for the department these valuable additions in the way of county histories of other states above mentioned, and will be glad of suggestions from you for other genealogical material that will add to the interest and usefulness of our collection.

Respectfully submitted,

GEORGIA L. OSBORNE,
Chairman of the Genealogical Committee.

PART II

Papers Read at the Annual Meeting 1916

THE FIRST TWO COUNTIES OF ILLINOIS AND THEIR PEOPLE.

(Hon. Fred J. Kern.)

Mr. Kern was introduced to the audience by Dr. Otto L. Schmidt the President of the Illinois State Historical Society, and spoke in substance and in part as follows:

Ladies and Gentlemen: "History is only a confused heap of facts."—Lord Chesterfield.

"So very difficult a matter it is to trace and find out the truth of anything by history."—Plutarch.

"What is history but a fable agreed upon?"—Napoleon Bonaparte.

"All history is a lie."—Sir Robert Walpole.

The two oldest counties in our State, St. Clair and Randolph, and their people, have been assigned to me for discussion to-night. I am a native and resident of the former and thoroughly know every square foot of its ground and many of its people. I have traveled over Randolph County and once had the honor to represent its people in the Congress of the United States. I also know many of them. Some are my intimate friends.

The two counties were the cradle of the history of Illinois. Their story reads like a romance and there are people now living who listened spell-bound to the recital of the charming traditions and thrilling adventures as told by the original settlers and their immediate descendants. I myself have received and learned much of the history of St. Clair County, and our State, not from musty books, but by word of mouth, directly from those who helped make it and as it is handed from generation to generation, sitting in the semi-circle around the family fire-side, at the wayside inn, or at more pretentious and conventional social centers.

These two counties were in the truest sense of the word an integral part of the famous melting-pot of our composite American civilization which we hear so much about in these days. The phrase that it takes all kinds of people to make a world, was never and nowhere more strikingly exemplified than in the early history of these counties.

When Louis Joliet and Father Marquette first landed on the site which was destined to become St. Clair County, they not only found the friendly Illini Indians inhabiting the hospitable primeval forests, but unmistakable foot-prints of vanished races that had left behind them evidence of industry and sacrifice and activity which challenged admiration and respect.

Almost within the range of a rifle shot of the Cahokia Mission, which they founded and established, there rose from the even and unbroken flat surface of the river bottom, a stupendous mound, built by

the hand and labor and skill of man which is a more wonderful relic of antiquity, and greater in magnitude and extent than the largest pyramid of ancient Egypt, surrounded by a hundred smaller but no less wonderful and symmetrical structures, equally curious, suggestive and mysterious.

Across the river where the metropolitan city of St. Louis now stands, were similar pre-historic remains. There could be no doubt of the fact that they were on a section of the earth where millions of human beings had lived their lives and played their part thousands of years ago, and where an ancient civilization had flourished.

All they found in the way of living people was a motley aggregation of untutored and superstitious, half-naked, not overly cleanly, brown-skinned savages and barbarians, living a nomadic life and roving through the trackless forests and camping in rude, illy-kept villages in the woods.

The vast empires of the past had decayed and been deserted and left their melancholy ruins behind them, the only record by which the imaginations of the intruders and invaders and adventures could even guess and conjecture at their achievements and speculate on their departed glory.

The French discoverers founded the Mission of Cahokia in St. Clair County and of Kaskaskia in Randolph County. They laid the foundation for a new and greater civilization under a new religion and a new faith for the new world. They brought with them the benign teachings of the lowly Nazarene and erected sanctuaries in His name, with their own hands, in the mellow shadow of the spreading boughs of gigantic sycamores and oaks and hickories and elms and cotton-woods and walnuts and pecans, within hearing distance of the murmuring music of the eternal Father of Waters.

Both holy Missions were established on ground located in the low bottoms of the Mississippi River. Cahokia, the first permanent white settlement in Illinois, founded in 1700, still stands a quaint little village of several hundred population, nestling in a veritable garden spot of the earth and showing unmistakable traces of its remote and early origin and historical significance. A frame church building surmounted with a plain wooden cross, attracts the attention of the tourist, as does also the old cemetery near by. Both serve to awaken memories of long ago. They show you in the village of Cahokia the spot where Pontiac, the great Indian chief and warrior and orator and statesman, was foully murdered, after having been basely betrayed through British treachery and perfidy. They show you where the courthouse stood when Cahokia was the county seat of St. Clair County. They show you where the people used to dance and make merry. Many of the direct descendants of the first settlers are still there, and while speaking the English language as fluently and as correctly as any of us, they cultivate and retain in addition the ability to speak French and to read and write that language. The ancient taverns remain in their pristine glory, and are patronized and sustained largely by St. Louis people, particularly on the first day of the week, commonly called Sunday. They are from Missouri and have to be shown—often the way to go home.

The Cahokia common fields remain on the map, and extend in narrow parallel strips back to the Bluffs, which at this point form a steep, perpendicular, limestone wall, rising into the sky a hundred feet and more, from the rich alluvial soil of the fertile lowlands. At Falling Springs is a fascinating waterfall, and, on both sides of the cataract, the rock-bound Bluffs are perforated with dark and ominous-looking caves, penetrating deep into the interior of the earth and leading into dark caverns adorned with stalactites and stalagmites. Such was the background and a part of the natural playground of the ancient village of Cahokia.

Kaskaskia was founded only a year later than Cahokia. It was the first capital of Illinois, as Cahokia was the first and original county seat of St. Clair County. Kaskaskia is situated in Randolph County. Almost adjacent to it is Prairie du Rocher, near which Fort Chartres was located. The city of Kaskaskia was doomed to a sad and tragic fate. In one of those fantastic freaks of the Mississippi River, which the great and fame-crowned Mark Twain so charmingly and graphically describes in his classic book on the Father of Waters, the restless and wayward stream sought a new bed and course for itself and the ancient city of Kaskaskia, with its wealth of poetic tradition and historic memory obstructed the track of the waters and impeded its right of way. The irresistible force could not be stemmed, nor by human power or agency diverted back into the old or some other and less disastrous channel. Thousands of acres of the richest and most desirable land in Illinois were swept into innocuous desuetude by this fierce cataclysm and their soil washed into the Gulf of Mexico, and old Kaskaskia including the old Statehouse with it.

The Mississippi River joined the Kaskaskia River, further up stream, and an island of large area was detached from the mainland on which was established the new Mission and village of Kaskaskia, to which the refugees of Old Kaskaskia fled, to build new homes, a new church and a new schoolhouse for themselves and their children and to begin life anew.

Not a remnant of old Kaskaskia remains. Every house in it and every street and the entire area of the city's limits was swallowed up by the waters of the raging river.

New Kaskaskia provides the paradox of being located west of the Mississippi River, but still in Illinois.

The city of Chester is the county seat of Randolph County. It is located on the high bluffs of the Mississippi River. It is a beautiful and historic city. Two of the State's great public institutions are located near that city, viz.: the Southern Illinois Penitentiary, one of the world's famous prisons, and also Chester State Hospital, the asylum for the criminal insane in Illinois. No city in America has a more picturesque location than Chester, no city offers finer scenery or commands a grander and more imposing view.

I was in Chester a few days ago and visited the grave of Shadrach Bond, the first Governor of Illinois. It is located in the Chester City Cemetery, marked by a beautiful granite monument built by the State. I also visited the archives at the courthouse and the Randolph County

Historical Museum which is located in a specially built fire-proof building. The historical records are kept in this building. Many of them are in the French language.

I visited the parochial schools at Prairie du Rocher in Randolph County some years ago. I saw many colored children attending the Roman Catholic parochial school on equal terms with the white children and without the slightest sign of segregation. They spoke the French language as fluently as they spoke the English, just as the negroes, and those of native American stock and even the Irish in St. Clair County speak German.

It must not be gathered from the above that the majority of the people of Randolph County are of French descent, for they are not. There are many native Americans in Randolph County whose ancestors came from Virginia and Kentucky, the same sturdy and superior element which joined the French in St. Clair County, and soon outstripped and outnumbered them as they themselves were later superseded and outnumbered by the efficient, the patient, the plodding, the thoughtful, frugal and hard-working Germans.

There are many Scotch people in some parts of Randolph County, just as there are many Irish and Polish people in the East St. Louis end of St. Clair County.

The city of Belleville is the county seat of St. Clair County. It celebrated the one hundredth anniversary of its existence as the county seat of the first county in Illinois, two years ago, with appropriate ceremony and much solemnity. St. Clair County is now the second county in the State in point of population and material wealth, ranking next to Cook.

The city of Belleville has played a leading role in the development of the history of Illinois. It furnished three of the Governors of the State, two of the Lieutenant Governors and two United States Senators, and two State Superintendents of Public Instruction. Governor Ninian Edwards, Governor John Reynolds and Governor Wm. H. Bissell were from Belleville. So were Wm. Kinney and Gustavus Koerner, Lieutenant Governors; and James Shields and Lyman Trumbull, United States Senators; and James P. Slade and Henry Raab, State Superintendents of Public Instruction.

The remains of Governor John Reynolds are buried in Walnut Hill Cemetery in Belleville, where his home still stands in a perfect state of preservation, as does that of Governor Ninian Edwards, only a little more than one block away from the Reynolds' mansion. John Reynolds was not only Governor but also a Supreme Justice, a member of the Legislature, a Speaker of the House, a member of Congress, a Foreign Diplomat and the State's leading historian. He reached the topmost round of the ladder of fame in each of the three departments or branches of our State Government, viz., the executive, the legislative and the judicial. Governor Ninian Edwards died in Belleville during the cholera epidemic, in working to help those who could not help themselves and who were down with the dread disease and in helping to bury the dead. His remains were buried in one of the old abandoned cemeteries in Belleville. The very location of his grave is lost.

Governor Wm. H. Bissell died while he was Governor of the State and his remains repose near those of the immortal Lincoln, whose intrepid champion and devoted friend and follower he was, in Oak Ridge Cemetery in Springfield.

The statue of Senator Shields adorns a pedestal in the hall of fame in the city of Washington. He achieved the distinction of having been the only man who ever enjoyed the honor of representing three separate and distinct states in the upper house of Congress.

Lyman Trumbull was stricken with his last and fatal illness while delivering an eloquent eulogy at the open grave of his intimate friend and former law partner, Gustavus Koerner at Walnut Hill Cemetery in Belleville. I was an eye witness to this sad tragedy. Lyman Trumbull was the greatest and most illustrious of the United States Senators of the Civil War period. He distinguished himself by his activity in the upper house of Congress during the Rebellion and during the wildly exciting reconstruction days.

"On Fame's eternal camping ground,
There silent tents are spread,
And glory guards with solemn round,
The bivouac of the dead."

Strangely conflicting and antagonistic social forces met and clashed in the original settlement and development of the counties of Randolph and St. Clair, particularly the latter.

The original American settlers hailed largely from Kentucky, Virginia and Pennsylvania. Most of them were of Cavalier stock. They had little in common with the descendants of the Puritans who came from Massachusetts and settled mostly in the northern part of the State. They were less religiously inclined. They were fond of sports including horse-racing, hunting and fishing. They had no use for township organization. There were no abolitionists among them. They had no scruples against the institution of slavery, either from moral or economic considerations, believed that the negroes were born to servitude, preferred Douglas to Lincoln, and some of the most conspicuous leaders preferred Jeff Davis himself.

Opposed to them, in their ideals, tendencies and convictions on this question, and hated and looked down upon by them, were the stolid Germans who came in the thirties, and in the forties and in the fifties, particularly after the Revolution of 1848 in Germany, led by Koerner, by Hecker, by Hilgard and by Scheel, who in turn received their inspiration from Schurz and Pretorious.

The Germans were practically all abolitionists, openly and defiantly or at heart. They had left the Fatherland to escape tyranny and oppression. They came to America to realize their dreams of liberty and equality.

They could not understand the institution of slavery and despised and condemned and denounced it as robbery and injustice. They were opposed to the economic system of which it was the cornerstone and believed human slavery made a lie and a cheat and a fraud out of the Declaration of Independence. They were in favor of freeing the slaves, everywhere, without condition and without compensation to the owners.

Many of them were free thinkers. All of the forty-eighters belonged to this class and type of men. All of them favored the liberty of man, woman and child. They were for free men and equal rights. They voted for Abraham Lincoln and rallied around the flag of the Union after the first bullet pierced the folds of Old Glory over the sombre walls of Fort Sumpter. Then came the matchless Douglas to the front, the peerless patriot, loyal and true, and rallied his followers to the standards of the Union and to the cause of Lincoln and much of the hatred and the old antagonism and the old class consciousness and the old group separation and isolation was forever obliterated and effectively wiped out. It made us one people, gave us higher and better ideals and a uniform purpose in life. The war gave the blacks liberty and the whites economic independence and equality of opportunity. The best friends of the Union and the staunchest and most uncompromising friends of liberty had come from a foreign land and were immigrants within the borders of our State and country.

The irreconcilables became the southern sympathizers, the copperheads, the Knights of the Golden Circle, who secretly or openly aided and abetted and sanctioned the rebellion, believing slavery a divine institution, involuntary servitude the only thing the niggers were good for anyhow, which should be left intact and not abolished, and these men denounced Douglas for his loyalty to the Union and branded him as a renegade, a deserter, a turn-coat and an apostate.

It is well to consider how very little history there is after all. The men who ought to have written the story of their experience and covered their time, went to their graves without having performed that service. That certain men were elected to the offices and filled out their allotted terms and that certain wars came and that certain battles were fought and that certain shifts of boundary lines were made is certain. That we know. That history tells us about. But it does not tell us much more. It only furnishes the anatomy and the frame-work to go by, the skeleton as it were. The flesh and the blood and the fair skin and the other details of the organism which round it out and render it beautiful are gone and lost and can never be re-supplied. I have spoken for the generals and for the leaders. I wish to pay my respects to the humble privates now. I wish to throw the searchlight on the every-day man, the every-day life and the every-day family. I bow in humble reverence to the sacred memory of the old settlers of our State and country. They were the chosen people of God. They were the salt of the earth. They were all pioneers and frontiersmen. They were bold, brave, adventurous, intrepid people. I admire them for their superb courage, their great fortitude, their devotion, their patience, their endurance and their pluck, and I pay them now the tribute of my sincere respect. They were not afraid to stand alone and to walk alone and to face adversity, hardship and danger. Looking bankruptcy, ruin, starvation, pestilence and war in the face, they still remained steadfast and never shirked and never blenched. They preferred the wilderness, peopled by savage men and infested with wild beasts, where they would be free, free to worship God according to the dictates of their own consciences, free to live their own lives in their own way, to Europe, provided with the comforts and con-

veniences of civilized life, but ruled by kings and cursed by the system of caste and class. They wanted to be free. They wanted to see their children born in an atmosphere of liberty and in a land that was free. They believed that the Indians and the panthers and the wolves of the new world would be kinder to them and give them and their children a better chance for the future, than the tyrants and despots, the usurpers and drones and grafters of monarchial and militaristic Europe.

But they did more than that. They believed in hard work and hard knocks and practiced both. They worked long hours, out of doors, in God's sunlight, in God's pure air, in the little clearings, on the broad prairie, out in the woods. The women could handle the ax, the plough and the rifle as well as the men. There was no race suicide and no divorce. There were few scandals in domestic life.

The pioneers practiced self denial and self control. Though free as nature itself, free as the birds, free as the air, and liberated from all conventionalities and social and other artificial restraints, they remained stoically and stubbornly virtuous and pure as the driven snow, pure as the rays of the stars reflected in perfumed dew drops.

These hardy people lived in humble homes, lived the simple life, lived in Spartan simplicity, had few books, no luxuries, no fineries, no dainties, and yet they were usually satisfied, contented and happy.

The rude huts which they inhabited were built of logs and built by themselves. They were frequently without wooden floors. The floors were made of leveled yellow clay. The roofs were made of clap-boards, the fences of rail or split paling. The roofs on the outbuildings were of straw. The houses were furnished with home-made and hand-made furniture. There were few dishes and no surplus of linen or clothing. The women could spin at the wheel and knit and the men knew the art of basket making and carpentry and cabinet making. They had no large store of household goods, but they had hope and imagination and ambition and looked forward to a better and a brighter day. They had poor schools and poor churches, ignorant teachers and miserable preachers, and practically no newspapers and yet they were educated, they were lithe, they were healthy, they were active, they were virile, they were educated in nature's school, they were firm in temperament, strongly marked in personality and gifted with initiative and originality which after all is culture and can be but little augmented and improved in schools, in colleges and in the highest universities and never supplied, when wanting in the original makeup.

This completes my theme. I have nothing more to say. I ask you to read the masterful works of Governor John Reynolds, the Old Ranger, the Theodore Roosevelt of his day. He went through the chairs. He filled all the offices worth while. The only known reason why he didn't fill more was because he had exhausted the list. His memory makes all of your modern politicians and office-seekers look like amateurs, like pikers, so to say. I ask you to read the works of Francis Parkman. I ask you to visit St. Clair and Randolph Counties. Visit the Missions in your own State first at Cahokia and Kaskaskia and Prairie du Rocher, before you go to Europe or California. Visit and study the antiquities of Illinois in St. Clair, Madison, Monroe and Randolph Counties. Visit

Monk's Mound, visit Sugar Loaf. Get a touch of real St. Clair County hospitality by visiting Belleville. See Illinois first, and while you are studying the history of America don't omit to pay some attention to the big chapter which constitutes the history of Illinois.

Mr. Kern prefaced his remarks by paying a high compliment to Mrs. Jessie Palmer Weber, the Secretary and Treasurer of the Illinois State Historical Society, and to her assistant, Miss Osborne.

Mr. Kern said: "I would, indeed, be remiss in the performance of my duty if I failed to congratulate your Society upon the useful and patriotic service which it is rendering. You are educating the masses of the people and stimulating love of country and State and home. Your work is a grand educational work. You are the guardians of the legacy which our generation owes to future ages. Especially are your Secretary and her assistant to be complimented on their work. Mrs. Jessie Palmer Weber, is the daughter of one of the great Governors of Illinois and of a brave General of the Union Army during the War of the Rebellion. The showing made by Mrs. Weber and Miss Osborne at the San Francisco Exposition with their splendid Lincoln memorial exhibit was nothing short of remarkable and won merited praise from many people at home and abroad. Their exhibit was one of the finest features of the latest and greatest World's Fair."

THE DEVELOPMENT OF THE VETO POWER OF THE GOVERNOR OF ILLINOIS.

(N. H. Debel, University of Illinois.)

The veto power, like so many others of our political institutions, is an adaptation of a British institution transplanted to American soil. In England it was a royal prerogative. The king enacted laws upon the petition of his people. In the course of the development of Parliament he was forced to agree not to alter petitions, which had come to be presented in the precise form in which it was desired to have them enacted. But his assent was still necessary to give them validity. He could refuse his assent as late as 1707—when the last veto of a parliamentary act occurred.

Though the veto power at home declined, it was found convenient to maintain it for colonial purposes. Legislation in British colonies is still subject to disallowance by the king. That he always acts "in council" is simply a convenient method to insure that he does not act contrary to the will of the party in power. While vetoes of colonial legislation are sparingly made in the British Empire to-day, that can hardly be said of the practice of a hundred and fifty years ago. Here the veto power was practically undiminished. That the power was wielded not in vain is abundantly testified by the fact that the first of the long list of grievances against the king of Great Britain enumerated by the Declaration of Independence is on account of the use of the veto power. "He has refused his assent to laws, the most wholesome and necessary for the public good," so runs the indictment.

In the American colonies before the Revolution no uniformity with regard to the veto power existed. In Rhode Island and Connecticut, where the governors were elected by the people, no veto power existed. In the proprietary colonies the veto power was exercised by the proprietor or his deputy. In Pennsylvania, besides, the king retained the right to veto colonial legislation. In the royal colonies the governor was given an absolute veto. Not only that, but his power of assent was limited. Finally, all measures assented to by the royal governor were subject to disallowance afterwards by the king.

During the struggle with Great Britain, the governor had been the ally of the king. The popular assembly, on the other hand, had truly represented the people. The result was that our early American state-builders had confidence in legislative assemblies, with a corresponding distrust of the executive. This is clearly reflected in the absence of the executive veto power in most of our early state constitutions. Of the thirteen original states only two provided for a veto power, namely, New York and Massachusetts.

The veto provisions adopted by these two states differed widely. The one in New York, adopted in 1777, vested the veto power in a council of

revision composed of the governor and the members of Supreme Court. A bill passed by the legislature had to be presented to the council for revisal and consideration. If they approved it, they were to sign it. If not, they were to return it with their objections in writing to the House in which it had originated. Here it might be passed over the disapproval of the council by the vote of two-thirds of the total membership. It was then to be sent to the other House where two-thirds of those present might pass it over the veto.

The council was given ten days for the consideration of bills. Failure to disapprove a bill within that time resulted in its becoming law without approval. If the Legislature by adjournment within the ten day period should prevent the return of a bill, return was to be made on the first day of the next meeting of the Legislature or the bill would become law.

The chief importance of the New York plan is that it was practically unique. It is of special interest only to us, for Illinois was the only other State in the Union to adopt it.

Another provision, the one adopted by Massachusetts in 1780, was destined to have much wider influence. Most of its essential features were adopted by the National Constitutional Convention of 1787, and thereafter by most states of the Union. It provided that a bill or resolve passed by the General Court should be submitted to the governor for approval or disapproval; that if he should approve it, he should sign it; but that if he did not, he should return it with the reasons in writing to the House in which it had originated; that his message should be entered on the journal; and that upon reconsideration two-thirds of the members of each House might pass the bill over his veto. The time given the Governor for the consideration of bills was five days. If any bill should not be returned by the expiration of that period, it was to become law without his assent. No provision was made for the contingency of adjournment before the expiration of the five days. Bills could therefore not be vetoed after adjournment. To remedy this defect an amendment was adopted in 1820 providing that bills vetoed, the return of which had been prevented by the adjournment of the General Court, should not become law.

The situation in regard to the veto power at the time of the admission of Illinois in 1818, may be briefly summarized as follows: Ten states, or exactly one-half, still denied their Governors the power to disapprove bills. The other ten granted that power in varying degrees. New York, as we have seen, provided for a council of revision. Nine states had granted the veto power to the Governor. The time allowed for the consideration of bills varied from five to ten days. The vote required to over-ride the veto varied from a majority to two-thirds of each House of the Legislature. In all cases except New York, as noted above, the majorities required were based on the total membership of the houses respectively.

The Illinois Constitutional Convention of 1818, therefore, had two general precedents to follow. Two different plans were formally advanced and considered by it. One, which was eventually adopted, was the New York council of revision plan. The other was a strong veto

power lodged in the hands of the Governor. It was similar to the provisions in force in Louisiana and Pennsylvania. Both of these states required a two-thirds vote to over-ride the Governor's veto. Both gave him ten days for the consideration of bills. And both required that bills vetoed after the adjournment of the Legislature should be returned within the first three days of the following session. The plan proposed in the Illinois convention differed only in that it required bills vetoed after adjournment to be returned on the first day of the following session of the General Assembly.

It was noted above that not a single state had followed the New York plan of a council of revision, but that on the other hand since then nine states and the United States had vested the veto power in their chief executives. That Illinois nevertheless adopted the New York plan must be ascribed mainly to the influence of Elias Kent Kane, who was a member of the convention. Mr. Kane was born in New York, educated at Yale, and had studied law in New York. He had removed to Illinois in 1814. In the convention of 1818 he was a member of the committee of fifteen entrusted with the work of drafting the new Constitution. He appears to have been one of the most prominent and influential members.

The committee of fifteen reported as section 15 of Article III, dealing with the executive department, almost word for word that section of the New York Constitution of 1777 establishing the council of revision. A few days later, while the plan of the committee of fifteen was being considered, an alternative plan already referred to was offered. It gave the veto power to the Governor. It allowed him ten days for the consideration of bills. It required a two-thirds vote of each House to over-ride the veto. It provided that if the Legislature by adjournment should prevent the return of bills within the ten days allowed, such bills were to be returned on the first day of the following session or become laws.

This plan is not heard of any more, however. Three days later, on August 17, Article III being considered section by section, the council of revision plan as originally proposed by the committee of fifteen was adopted. The vote required to over-ride the veto, however, was placed at a majority of each House and not at two-thirds as in New York. This section without any further change was adopted on the final reading.

The veto power in its final form was found in section 19 of Article III of the Constitution. It provided that:

"The Governor for the time being, and the judges of the Supreme Court or a major part of them, together with the Governor, shall be and are hereby, constituted a council to revise all bills about to be passed into laws by the General Assembly; and for that purpose shall assemble themselves from time to time when the General Assembly shall be convened, for which nevertheless they shall not receive any salary or consideration under any pretense whatever; and all bills which have passed the Senate and House of Representatives shall, before they become laws, be presented to the said council for their revisal and consideration; and if, upon such revisal and consideration, it shall appear improper to the said council or a majority of them, that the bill should become a law of this State, they shall return the same, together with their objections thereto in writing,

to the Senate or House of Representatives (in whichsoever the same shall have originated) who shall enter the objections set down by the council at large in their minutes, and proceed to reconsider the said bill. But if, after such reconsideration, the said Senate or House of Representatives shall, notwithstanding the said objections, agree to pass the same by a majority of the whole number of members elected, it shall, together with the said objections, be sent to the other branch of the General Assembly, where it shall also be reconsidered, and if approved by a majority of all the members elected, it shall become a law. If any bill shall not be returned within 10 days after it shall have been presented, the same shall be a law, unless the General Assembly shall by their adjournment, render a return of the said bill in 10 days impracticable; in which case the said bill shall be returned on the first day of the meeting of the General Assembly, after the expiration of the said 10 days, or be a law."

The council of revision lasted for thirty years, 1818 to 1848. Though its record was very creditable indeed, it was not destined to continue a part of our constitutional system. The purely judicial work of the members of the Supreme Court demanded all of their time. This was especially true after 1841, when they were required to hold Circuit Courts as well. A change had become imperative.

In the Constitutional Convention of 1848 there was never any doubt that the council of revision would be discontinued. There seems to have been no sentiment at all for its retention. On the other hand, several resolutions proposing alterations in the Constitution contained provisions for its abolition. The attitude is clearly reflected in a statement made by Mr. Alfred Kitchell, a member of the Convention. He objected to the presentation of too many questions at once. He urged that they should be presented one at a time. "For example," he said, "let it be the abolition of the council of revision. There is probably not a member not prepared to discuss and vote on that proposition."

However, there was considerable diversity of opinion regarding the merits of a veto power lodged in the hands of the Governor. On the one hand there were the customary speeches against the power of one man to thwart the will of the people. It was said to be a vestige of royalty and unrepublican. On the other side it was urged that the tyranny of one is less dangerous than the tyranny of many; that the Governor is more nearly the representative of all the people than is the Legislature; that he could be held to more definite responsibility; and that as a matter of fact it had proved satisfactory wherever tried.

Perhaps only a small percentage of the convention would have favored the abolition of the veto power altogether. On the question of granting a strong or weak veto power to the Governor the members were very nearly evenly divided. On the whole the Democrats seem to have favored the former while the Whigs seem to have favored the latter.

The committee of ten appointed to draft the article on the executive was headed by Samuel D. Lockwood, who had been a member of the Supreme Court and the council of revision since 1825. On June 18 they reported to the convention. Section 20 of the article reported proposed to vest the veto power in the hands of the Governor. It required a two-thirds vote of those present to over-ride the veto.

In the convention itself section 20 had a rather checkered experience. It was considered in committee of the whole on the 16th and 17th of July. On the 16th an amendment offered by Mr. R. J. Cross, providing that a majority of the total membership of each House of the Legislature should be sufficient to over-ride the veto, was rejected. On the following day an amendment offered by Mr. William A. Minshall was accepted. It required a three-fifths vote of the total membership to over-ride the veto. But on August 11 at the final consideration of the report of the committee of the whole by the convention, it was again amended. This amendment, offered by Mr. J. M. Davis, lowered the vote required for repassage from three-fifths as in the Minshall amendment to a majority of the total membership as proposed by the Cross amendment.

The veto section as finally adopted by the convention is found in section 21 of Article IV of the Constitution of 1848. It provides—

"Every bill which shall have passed the Senate and House of Representatives shall, before it becomes law, be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it, with his objections to the House in which it shall have originated; and the said House shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, a majority of the members elected shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered; and if approved by a majority of the members elected, it shall become a law, notwithstanding the objections of the Governor; but in all such cases the votes of both Houses shall be determined by yeas and nays, to be entered on the journals of each House respectively. If any bill shall not be returned by the Governor within 10 days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the General Assembly shall, by their adjournment, prevent its return, in which case the said bill shall be returned on the first day of the meeting of the General Assembly, after the expiration of said 10 days, or be a law."

An examination of the provision just quoted shows that it provided merely a suspensive veto. Elsewhere the Constitution provided that no bill should become a law without the concurrence of a majority elected to each House of the General Assembly. Should the Governor object to the passage of any bill the same majority would be able to pass it over his veto. The most that he could do would be to force a reconsideration.

Nevertheless, the Governor's hands had been strengthened. The veto power had not been changed essentially from what it was under the council of revision. But it had all been placed in his hands. He was not obliged to share it with the members of the Supreme Court, who might outvote him in the council.

However, the suspensive veto proved inadequate. This is especially true of the period after the Civil War. The demand for private legislation—especially for charters of incorporation—became too strong for the General Assembly to resist. The Governors, especially Oglesby and Palmer, had striven valiantly to stem the tide. But these efforts had been largely in vain. Most of the important bills disapproved had been

repassed. The tyranny of the many had proved intolerable. The people in 1870 were ready to strengthen the Governor's hand very considerably.

The Constitutional Convention of 1862 had proposed a strengthening of the veto power. The veto provision of the proposed Constitution, found in section 14 of Article V, required a two-thirds vote of the whole membership of each House of the General Assembly to over-ride the Governor's disapproval. It would have allowed the Governor ten days for the consideration of bills both after adjournment as well as during the session.

Unfortunately this Constitution was not ratified by the people. Though the State had been Republican at the election of 1860, nevertheless a majority of the members of the Constitutional Convention were Democrats. The Republican press found it comparatively easy to discredit their work. The convention itself played into the hands of its enemies by foolish pretentions to sovereign powers.

The Constitutional Convention of 1869–1870 was overwhelmingly in favor of strengthening the veto power. The orgies of special legislation indulged in by recent Legislatures were fresh in the minds of the members. So were also Governor Palmer's heroic efforts of 1869 to stem the tide. But it was equally well realized that he had been largely helpless against the will of the General Assembly.

Before the convention had appointed its committees, a resolution urging that the veto power be strengthened was offered. Very early in its proceedings the convention requested a reprint of Governor Palmer's veto messages of 1869 together with a report of the action of the General Assembly on the vetoes. Many speeches and resolutions referred to the evils of special legislation and expressed the belief that a strong veto power would have checked it. To quote one member, Mr. James C. Allen of Crawford County, in supporting the strong veto power proposed by the committee on the executive, he said that an effective veto would have saved the State from "the curse of much of the vicious legislation that has prevailed for the last few years."

The committee of nine to whom the task of drafting the article on the executive department was entrusted, reported on January 26, 1870. They unanimously reported a veto section providing that a two-thirds vote in each House should be required to over-ride the Governor's disapproval, and that the Governor should have ten days for the consideration of bills both during the session and after adjournment.

On February 19, the article on the executive department was taken up for consideration. Mr. Elliott Anthony of Chicago, the chairman of the committee of nine, referring to section 20 of the proposed article said, "Had our present Governor been clothed with this veto power, what untold miseries would he have saved us from." Replying to critics of the so-called one man power he contended that the argument did not turn on that point but upon the facts proved by experience, that the Legislature was not infallible, that love of power might cause it to encroach upon the other departments, that factional strife might prevent deliberation, and that it might be led astray by haste or by the impressions of the moment. He believed that it was necessary to give the executive the veto power to enable him to defend himself and to increase the chances

of the community against the enactment of bad laws either through haste, inadvertence, or design. As for the argument that the veto power might be invoked to prevent the passage of good laws, he held that there was less danger of that contingency.

Efforts were made to reduce the majority required to over-ride the veto, on February 22 and April 20. Both would have reduced it to a majority of the total membership as under the Constitution of 1848. The attitude of the convention is shown by the vote on two amendments offered on April 20. The first was an attempt to have inserted the provision of the Constitution of 1848, that bills vetoed after adjournment should be submitted to the next meeting of the General Assembly for reconsideration. It was rejected by the vote of 47–11. The second was a proposal that the General Assembly, if it should fail to pass a bill over the veto, might by majority vote submit it to the people for adoption or rejection. This amendment was rejected by the vote of 53–12.

The veto provision as adopted by the convention is found in section 16 of Article V of the Constitution. It provides that—

"Every bill passed by the General Assembly shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it, with his objections, to the House in which it shall have originated, which House shall enter the objections at large upon its journal, and proceed to reconsider the bill. If, then, two-thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that House, it shall become a law, notwithstanding the objections of the Governor. But in all such cases, the vote of each House shall be determined by yeas and nays, to be entered on the journal. Any bill which shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, shall become a law in like manner as if he had signed it, unless the General Assembly shall, by their adjournment, prevent its return, in which case it shall be filed, with his objections, in the office of the Secretary of State, within ten days after such adjournment, or become a law."

The Constitutional Convention of 1870 did not complete the task of perfecting the veto power. The power to veto items in appropriation bills was still lacking. It was not added in Illinois before 1884. Agitation had started early in the eighties. A resolution offered by Senator Kelly of Adams County during the session of 1881 is of interest as pointing toward an early adoption of the power to veto items in appropriation bills. The resolution read:

"Whereas, Appropriation bills have often been delayed to nearly the end of the session before they are put upon their passage, and reductions that have been carefully considered and adopted are frequently reinstated by committees of conference of the two Houses without much deliberation, at the closing hours of the session; therefore,

Resolved, That all appropriation bills be considered and disposed of at least three days before the day fixed for adjournment."

Though the resolution failed it is of interest to note that it received twenty votes as against twenty-three opposed.

Governor Cullom in his regular message to the General Assembly of 1883 recommended that an amendment to the Constitution giving the Governor the power to veto items in appropriation bills be submitted to the people. He called attention to the fact that many State Governors possessed this power; that the mayors of Illinois had been given this power in 1875; and that President Arthur had just recommended its adoption for the United States. Early in the session Senator Wm. R. Archer of Pike County introduced a resolution for an amendment to the constitution requiring appropriation bills to be itemized and giving the Governor the power to veto distinct items or sections. Senator Archer had been a member of the Constitutional Conventions of 1847 and 1869 in both of which he had urged the adoption of a strong veto power. The resolution without change was adopted by both Houses of the General Assembly by overwhelming majorities—in the Senate by the vote of 35–7, and in the House of Representatives by 107–2. It was submitted to the people for ratification at the general election November 4, 1884, where it was approved by the vote of 427,821–60,244 out of a total vote of 673,096 cast at the election. The amendment adopted was inserted in the body of section 16 of Article V of the Constitution and reads as follows:

"Bills making appropriations of money out of the treasury shall specify the objects and purposes for which the same are made, and appropriate to them respectively their several amounts in distinct items and sections, and if the Governor shall not approve any one or more of the items or sections contained in any bill, but shall approve the residue thereof, it shall become a law as to the residue in like manner as if he had signed it. The Governor shall then return the bill, with his objections to the items or sections of the same not approved by him, to the House in which the bill shall have originated, which House shall enter the objections at large upon its journal, and proceed to reconsider so much of said bill as is not approved by the Governor. The same proceedings shall be had in both Houses in reconsidering the same as is hereinbefore provided in case of an entire bill returned by the Governor with his objections; and if any item or section of said bill not approved by the Governor shall be passed by two-thirds of the members elected to each of the two Houses of the General Assembly, it shall become part of said law, notwithstanding the objections of the Governor."

The present veto power of the Governor of Illinois has proved very effective. It is practically impossible to pass a bill over his disapproval. But though this power is practically absolute there has never occurred an instance of serious abuse. The Governors of Illinois have on the whole exercised this power wisely and conscientiously. The people expect the Governor to exercise independent judgment on bills presented to him for approval or rejection. They have confidence in him. He more nearly than any other officer in the State Government represents all the people. Thus we have the strange spectacle of the veto power, once a royal prerogative, having become an indispensable power in the hands of a Democratic executive.

THE INDIAN HISTORY OF ILLINOIS.

(Ralph Linton, University of Illinois.)

Every one knows the so-called early history of this State, the story of the wars and intrigues of the French, English and Americans with each other and with the Indians, but few of us realize that behind this lies a period many times as long, during which nations rose and fell and people of many tongues swept back and forth across what is now the State of Illinois. The history of this pre-Columbian period can never be written in terms of kings, policies, and dates, for among people who have not yet discovered the art of writing these things are lost in a few generations, but it can be written in terms of peoples and cultures. It passes out of the field of history into that of archaeology and ethnology.

The tribes who occupied the State in early times have left us numerous monuments, in the form of earth works, and it is to these that we must go for our data in writing the pre-history of Illinois. A vast amount of work still remains to be done, but it has been proved beyond doubt that the so-called "Mound Builders" were only barbarous or semi-civilized tribes of Indians, and that far from becoming extinct thousands of years ago, their characteristic culture persisted for at least two centuries after the discovery of America. The term mound builder is in itself most deceptive, for there is hardly a race or nation which does not construct earth works of some sort. We ourselves are no exception, as anyone who walks through a graveyard must realize. Within the State of Illinois the mounds bear internal evidence of being the work of at least four different tribes, and a careful investigation would probably double or triple the number. Some of these tribes may still have been in the State when it was first visited by white men, others had certainly been driven out long before by attacks from hardier and less civilized hunting tribes. To the former class belong the makers of the effigy mounds, who were pretty certainly some tribes of the Siouxian stock, perhaps the Winnebago, or some other group which has now lost its identity. The pottery and implements found in these effigy groups are quite crude, and correspond exactly with similar material picked up on the sites of villages which we know to have been occupied within historic times. We have no account of the building of a effigy mound, but the Dakota of the present time make boulder outlines of men and animals which are quite analagous. The center of these effigy mounds seems to be in Wisconsin, and from there they extend, constantly growing rarer, into the northwestern part of Illinois, where they are met on the south by the mounds of the second type. These are very varied in form, but correspond, on the whole, to these of Ohio. The circles, enclosures, and geometric works are lacking, but the burial mounds are often identical, and the artifacts buried with the dead show a good deal of similarity.

The works are almost always found along the large rivers, and it seems probable that the makers, while not the same tribe as the mound builders of Ohio, were allied peoples who had pushed northwest by way of the river valleys, while the main stock had gone directly north into Ohio. These people had been expelled by savage tribes in both localities before the coming of the whites, and it is not possible to identify them positively, but they were probably tribes of the Muskogie stock, half civilized peoples occupying the southeastern United States at the time of the discovery. Cyrus Thomas, who made an exhaustive study of the subject, even goes so far as to assign these works to a single tribe, the Cherokee. In any case, the mound builders of this second group were settled peoples, largely agricultural. They made a good grade of pottery, which was tempered with pounded shells, and often finely shaped. Moulded and incised figures were used for decoration rather than color, although paint was sometimes used. This pottery was in marked contrast to that of the northern effigy mound people, who used a ware tempered with sand, crudely shaped and usually undecorated. The pipes of these people also corresponded to those from Ohio, being small, with a flat base and a bowl often carved to represent some animal. Still further south, in the neighborhood of St. Louis, this culture is replaced by yet a third, that of the great Cahokia Mound group. This differs less from the second than the second does from the first. The pottery is of the same shell tempered sort, but the use of color is more common. The flint implements are, on the whole, a little better made, and the digging tools, notched hoes and spades, are much commoner. The small monitor pipes of the second class give place to large ceremonial pipes, often finely carved in the form of kneeling figures. Most characteristic of this culture, as compared with others in the State, is the temple mound, large structures on which were built the chiefs houses and public buildings of the town. It has been recently shown that the great Cahokia Mound is really a natural formation which the Indians have cut into the desired form, but the other mounds of the group seem to be artificial. These mounds were in universal use throughout the southern states at the time of De Soto's expedition, and La Vega describes the Indian towns as follows: "They themselves throw up elevations in this manner, they chose a spot to which they bring a quantity of earth, and this they pile up in the shape of a platform two or three pikes lengths in height and large enough on top to hold ten, twelve, fifteen or twenty houses, in which are lodged the cacique and his attendants. At the foot of this mound they lay out a square, proportioned to the size of the intended town, and around this the principle men of the village build their cabins. The common people are housed in the same manner and thus they surround the dwelling of their chief. To ascend this mound they have a graded way from top to bottom on one side, but the other sides are made so steep as to be difficult of access." Du Pratz, who has left us an interesting account of the Natchez Indians, relates that their temple was about thirty feet square, and was situated on an artificial mound about eight feet high, which sloped insensibly from the main front, which was on the northern side, but was somewhat steeper on the other sides. The cabin of the chief was also placed upon a mound about eight feet high, but larger,

being some sixty feet across. All the evidence points to the Cahokia group as being the northern outpost of a civilization which reached its full flower in the lower Mississippi Valley. The pottery of the Cahokia type, for instance, reaches its highest development in the Pecan Point district of Arkansas. The most highly civilized tribe of this region when it was first visited by the whites was the Natchez, a people who spoke a language related to the Creek and Cherokee, but who were distinguished from all other tribes of North America by their cast system and the absolute power of their rulers. Within historic times raiding parties from this tribe frequently invaded Southern Illinois, and it seems likely that the settlement of the American Bottom, which is our third mound builder type, was a colony of the Natchez or some closely related people, which had been abandoned before the coming of the whites. It is extremely hard to draw the line between this and the second type, and remains of the second type extend for some distance south of the Cahokia group.

The fourth great ancient culture represented within the State is the so-called stone grave culture, which takes its name from the method of burial, which is thus described by Loskiel, who saw it practised among the Delawares. He says: "The Delawares buried their dead by digging a grave of the required size and about one or two feet deep. They put flat stones at the bottom, and set others at each end and on each side on the edge. Then laid the body in, generally on the back, at full length, covered the grave with the same kind of stone, laid as closely together as practicable, without cement, sometimes covering the joints or cracks with smaller stones to keep the earth from falling into the grave. Then they covered the grave with earth, not generally more than two or three feet high." Hunter, in his account of his captivity among the Osages, also speaks of "elevations which were formally and are at present exclusively devoted to the burying of their dead, which are composed of earth and stones placed in such a manner as to cover and separate one dead body from another." As the descriptions just cited show, the custom was widespread among tribes who were still in a low stage of development, and the term "stone grave culture" seems much too broad for our purpose. The particular people with whom we are dealing occupied Southern Illinois and a large part of Kentucky and Tennessee. They are distinguished by their work in shell and copper, and above all by the designs which they engraved on gorgets (pieces of conch shell worn about the neck) and copper plates. These designs show human figures, and figures half bird and half human, which closely resemble some of the Mexican pictures of gods. While it is possible that there was some connection between ancient Mexico and ancient Illinois, it is not probable. The figures, except the human ones, are also shown on pottery, but always insized instead of painted. It seems likely that this art was a local development. The use of stone graves continued well into historic times, but the only tribes which usually buried their dead in this manner were those who had come in contact with the Shawnees. There is much uncertainty as to the original home of this tribe, who are noted by early writers as occurring at many widely different points, but it seems likely that they were in Illinois, about the great Salt Springs, at almost the time that

La Salle visited the country. We are fairly safe in believing that at some quite recent time the Shawnee lived in the State, and had an art unequaled east of the Rockies and north of Mexico. This brings us to the beginning of the historic period, and from here on we shall have firmer ground to stand on. We can sum up the archaeological evidence as follows: The northwest part of the State was occupied in ancient times by rude hunting peoples, probably the ancestors of the present Sioux and Winnebago. The bottom lands of the Missouri and Illinois Rivers were for a time occupied by tribes related to the present Creeks and Cherokee, but these had been dispossessed and driven south before the white people entered Illinois. The southern tip of the State had been, and probably was occupied at the time the whites came, by the Shawnee, a semi-civilized people who spoke the same tongue as the hunting tribes to the north, although they had borrowed their way of life from the farming tribes of the south.

The classification that I have just given is not at all final, for there is surprisingly little known about the mounds and old village sites of the State. There is great need of a systematic survey as these monuments are being leveled by the plow and otherwise destroyed.

Passing now to the Indians of recent times, we find that when La Salle entered the State, most of it was held by five tribes who spoke the same language and modestly called themselves Iliniwek, the men, as distinguished from all the rest of the world, who did not amount to much in their eyes. In the northwestern part of the State, the tribes who were later to occupy it were waiting for the break-up of the confederacy, while along the Lake, the Miami and Mascoutens had their villages and derived much revenue from the trade with the far off tribes, who were glad to get the French goods at any price. Far to the south lay the Shawnee, and the Choctaws, who the French called the flat heads, and the latter tribe derived much pleasure and profit from raiding the Illinois from time to time. They were also at war with the Sioux across the river, but did not live up to their vain glorious title, for they were always beaten when they met anything like equal numbers. Of the customs of the Illinois we know that they farmed a little and hunted a good deal. In the fall they went off to hunt buffalo. They kept up their hunt as long as the weather permitted, and when the cold became too severe, they went into winter quarters, living on the stored up meat and grain. Winter was a time of great festivity, if all had gone well, and the food was spent recklessly, so that only too often the year ended with famine, and an eager wait for the coming of the ducks and other game in the spring. During the winter season, the houses were made of poles covered with closely woven mates of rushes, which were fairly watertight, particularly when they were two or three layers thick. There was a single low door, and a single smoke hole in the middle of the roof, so that one unaccumstomed to the establishment had often to travel on hands and knees and keep his face close to the floor for the sake of air. The Illinois themselves were more or less hardened, but the Jesuit Fathers relate that the old people were often blind, a strong argument for those averse to smoking. At last the spring broke, and with it came a never ending supply of food in the vast flocks of ducks and geese. The squaws began to plant their

crops, simply thrusting down a pointed stick and then dropping in the seeds, without any attempt to break the ground. Later on, they, with the possible help of the old men and captives, would cultivate it with digging sticks and hoes made out of a deer's shoulder blade. It might be noted in passing that Illinois was one of the original slave states. The tribes of the confederacy had a regular practice of raiding the Mandan and Pawnee who lived farther up the Missouri and carrying off prisoners who were kept to work in the fields or sold to other tribes farther east. Captives of other tribes were usually too wild to make good slaves, and were either killed or adopted into the tribe to take the place of some member who had been killed, in which case they had all the rights of the person they replaced, and might rise to hold any office in the tribe. The people of the Caddoan stock alone proved docile enough to enslave, another proof that it does not pay to be too good natured. Presently the crops began to ripen, and with this there came a time of feasting again, until the green corn was ripe, and the husking over, then it was time to hide the grain before setting out on the hunt. Part of it was shelled and put in bags of woven bass wood twine, which the squaws would carry with them on the hunt. For the rest, a place was chosen where the digging looked easy, and the sod carefully cut out for a space perhaps two and a half feet across. Then a hole was dug carefully, the grass being covered with hides on which the earth was deposited. The hole broadened as it went down, until finally it assumed the form of a bottle. Into this cellar, often six or eight feet deep, the corn was lowered, and the neck finally was stopped with a layer of rods on which the sod was replaced. The dirt was carried far off, and water was poured on the ground or a fire kindled over it the more perfectly to hide the place. This hiding completed, the whole village set forth on the hunt, the squaws carrying the baggage. Not always the whole village however, for too often there would be old people who were unable to accompany them, and to these they gave a little food and left them to the mercies of providence. The hunt did not go very far from the rivers, for to the Indian before the coming of the horse, the plains formed almost impassable barriers. They hung on the fringes of the buffalo herds, creeping up on detached animals and shooting them with the bow and arrow, or perhaps cutting off a small herd by setting the prairie on fire on three sides of it, and then killing the animals as they dashed out through the narrow opening left. The meat was cut in strips and dried on frames over a slow fire, and the hides were tanned by the women, who scraped them with bone tools, and rubbed in a mixture of fat and brains, stretching them, drying them and then working them soft. At last, when the nights grew too cold, and the snow began to fall, back they came to their village, to spend the winter in easy living, if their luck had been good. If not, the spring was sure to find many missing.

This, as far as we can restore it from the accounts of the early explorers, was the life of the Indians of Illinois at the time the whites first encountered them. They are described as well built men, but talkative and merry, but easily discouraged, cowardly and treacherous. How far we can rely on the reports in things of this kind is doubtful, for repeatedly we find two men who visited a tribe within a few years of

each other describing them as diametrically opposite. One thing at least is certain, they lacked courage, the one quality which they were about to need above all others.

In the East there had already arisen an Indian empire, organized for conquest. The League of the Iroquois. These people were not hunters like the Algonkins, but farmers, settled in permanent stockaded towns, surrounded with corn fields which their women and slaves tilled. By their own legends, they and their relatives, the Hurons, had come into their country, which was in what is now New York State from the south, and being peaceful timid folks, had settled down among the Algonkins, to whom they traded corn for skins. They were much oppressed, and at last they rose against the other tribes, and after long years of war with other tribes, and with each other, they formed the great league. This was one of the most remarkable political organizations that has ever arisen. It consisted of an upper and a lower house, to which the tribes sent representatives, elected for life. The power of election, and of recall, was vested not in the warriors, but in the child-bearing women of the tribe. In it the idea of universal citizenship was fundamental. Any tribe, no matter what their speech and customs, might be adopted into the league, and would be given representatives in the lower house, but the upper house was composed of men of the clans and tribes of those who had come together to found it long before. To all tribes who wished to join the league, it extended a welcoming hand, against all others it waged a war of extermination. Champlain, ignorant of the true conditions helped some of the smaller tribes on a war party against it. and the war so begun cost France her possessions in the new world, for with their position between the French and English, the League held the balance of power.

But to return to Illinois, the Iroquois had either destroyed or adopted all the tribes which surrounded them, and their war parties, in quest of new captives, swept across Ohio and Indiana and into Illinois. They fell upon the great village of the Illinois, and scattered the tribe, driving it before them down and across the river. Tonti, who was with the Illinois at the time, did much to save them, and the Iroquois finally retired. The Illinois returned to their great village, which seems to have been near Starved Rock, and around the fort which La Salle built there many tribes gathered by his invitation for protection against their merciless foe. The peace was short lived, for when the fort was abandoned, the attacks of the Iroquois recommenced, and coupled with this, the Sioux and the ever restless northern tribes began to harras them. Later the French came to their rescue again, when posts and missions were established among them, but the tribe was already doomed. Its fate was sealed when in 1769 a Kaskaskia Indian killed Pontiac, and the tribes that had fought with him turned against the Illinois, and almost annihilated them. As the Illinois became weakened there flowed a stream of hunting tribes from the Northwest into the lands thus left vacant, the Potawatomi, Kickapoo, Sauk and Fox, with the Winnebago and Chippewa at their heels. They spread over the lands formerly held by the Illinois and Miami. The Potawatomi established themselves in Northwestern Indiana and Eastern Illinois, while to the south of them

the Kickapoo took up their position. Both laid claims to vast stretches of land in Illinois and Indiana, covering not only each others claims, but also those ceded by the Illinois and later by the Sac and Fox. If we are to believe the maps of the various Indian purchases, the United States Government bought the soil of Illinois some three or four times over, but the conflicts are always in the North, between the tribes who are newcomers. The southern part of the State was the property of the Piankashaws on the east and the Illinois on the west, and their claim was never disputed, although the northern Peoria claim was disputed by Sac, Fox, Kickapoo, and Potawatomi. Part of this conflict can be explained as the result of the nomadic habits of the newly arrived tribes, but there is no doubt that the Indian, as a foil to the shrewd dealing of the Government was glad to sell it, not only his own land, but that of any one else who was not present. Thus in the famous Sac and Fox treaty of 1803, the United States acquired from the small group of hunters who wintered at St. Louis, and who were not even chiefs, all of the land between the Illinois and the Missouri, including a strip at the north which was the property of the Chippewa and Winnebago, as the United States afterward admitted by ceding it back to them.

However, the overlapping claims were settled one at a time, with remarkably little difficulty, if we consider the organization of an Indian tribe of the hunting type, in which the authority of a chief does not extend beyond his influence. The Piankishaw ceded the last of their claims on December 30, 1805, the League of the Illinois on September 25, 1818, the Kickapoo, July 30, 1819, the Potawatomi on September 26, 1833, the Chippewa, Ottawa, and Winnebago on July 29 and August 1, 1829. The Sac and Fox September 13 and 14, 1815.

So passed the Indians of Illinois, swept out of the State and out of existence as well. Of the tribes which gave their name to the State only a handful survive, and these are so mixed with the whites that it is doubtful whether any of them are of pure blood. We shall never know what possibilities of progress the Indian had within himself. Overwhelmed by a hardy and civilized people, numerically many times his size, he went down to defeat and passed forever from the theater of world history.

ODDITIES IN EARLY ILLINOIS LAWS.

Prepared for the Annual Meeting of the Illinois State Historical Society, 1916.

(By Joseph J. Thompson, Chicago.)

By "oddities" as used in the subject of this paper, is meant the unusual, the striking. And the odd laws to which reference is made are such as would arrest one's attention and cause more or less surprise that such laws were enacted at the time and under the circumstances.

In organized society, legislation is, however, the essence of history. To understand the history of a period, one must know its laws, and if one be thoroughly conversant with the laws of a nation or state, he has taken the most important step toward the mastery of its history.

Naturally, this paper deals chiefly with written laws since to follow the varying decisions of courts haphazardly constituted as they were in the very early days would give more or less importance to individual notions. There were some customs and rulings, however, amongst the very earliest peoples, even including the Indians, which seem to have had sufficient vogue to virtually become laws.

INDIAN CUSTOMS.

It was the custom amongst many tribes of Indians, apparently for the purpose of stimulating energy and activity, to dedicate little male papooses to one or the other of two colors; either black or white, and as the little Indians grew up, they were counted amongst the number of their corresponding color and cooperated with them in all games and contests.

Another odd custom is found in the form of punishment meted out to false or supposedly false consorts. Upon the testimony of an Indian brave that his squaw was false to him, such derelict was punished by having her nose cut off.

FRENCH CUSTOMS.

Due to the fact, perhaps, that money was a very scarce article amongst the French in early Illinois, it was quite common to adjudge payment in kind; that is, if one member of the community borrowed a horse from another and through some misfortune, such as an Indian attack, the horse were killed or stolen, upon action brought, the court would decree the return of another horse without attempting too nicely to balance values.

Many instances are found in the French times where a party plaintiff in a demand was given the growing crops of the defendant out of which to make his demand. It was also permissible, it seems, to adjudge the services of a defendant in payment of a claim against him.

ODD LAWS AND USAGES DURING THE VIRGINIA PERIOD.

The declaration of principles and many of the laws under the Virginia regime were odd in the sense that they were surprisingly advanced. These and the public and private communications and instructions to George Rogers Clark and John Todd by the Assembly of Virginia and Governors Patrick Henry and Thomas Jefferson were models of governmental solicitude.

The declaration of principles adopted by the representatives of the "Good People of Virginia" on June 12, 1776, prior to the Declaration of Independence asserted:

"That all men are by nature equally free and independent.

That they have certain rights; *viz,* the right to the enjoyment of life and liberty with the means of acquiring and possessing property and pursuing and obtaining happiness and safety, of which they can not by any compact, upon entering into a state of society, deprive or divest their posterity.

That all power is vested in and derived from the people.

That magistrates are the people's trustees and servants and at all times amenable to the people.

That that form of government is best which is capable of producing the greatest degree of happiness and safety and is most effectually secured against the danger of mal-administration.

That elections should be free and that all men having sufficient evidence of permanent common interest with and attachment to the community have the right of suffrage.

That no one can be taxed or deprived of his property for public uses without his consent or that of his representatives elected by him, nor bounden by any law to which he shall not, in like manner, have assented for the public good.

That all power of suspending laws by any authority without the consent of the representatives of the people is injurious and ought not to be exercised.

That in all criminal prosecutions, the accused has the right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, to a speedy trial by an impartial jury of his vicinage without whose unanimous consent he cannot be found guilty.

That no man can be compelled to give evidence against himself or deprived of his liberty except by the law of the land or the judgment of his peers.

Excessive bail ought not to be required nor excessive fines imposed nor cruel and unusual punishment inflicted.

That general warrants are grievous and oppressive and ought not to be granted.

That trial by jury is preferable to any other and ought to be held sacredly.

That the freedom of the press is one of the great bulwarks of liberty and can never be restrained but by despotic governments.

That the blessings of liberty can be preserved to any people only by a firm adherence to justice, moderation, temperance, frugality and virtue and by frequent recurrence to fundamental principles.

That religion or the duty which we owe to our Creator and the manner of discharging it can be directed only by reason and conviction, not by force or violence, and therefore, all men are equally entitled to the free exercise of religion according to the dictates of conscience, and that it is the mutual duty of all to practice Christian forbearance, love and charity towards each other."

MORE DEMOCRATIC THAN THE ORDINANCE OF 1787.

Contrasting this declaration of rights with the ordinance of 1787, it is found much more democratic. The ordinance of 1787 has been highly and justly praised, but as Moses, in his "Illinois, Historical and Statistical," has pointed out:

"It appears that some of the most important declaration of rights contained in these early constitutions and since re-enacted, were not included in the ordinance; namely, the liberty of the press, the right of free speech, the right of petitions, the freedom of elections, the right to bear arms and the prohibition of *ex-post-facto* laws."

POPULAR RIGHTS.

As early as 1778, the Assembly of Virginia adopted a complete election code by which most of the local officers and officers of the commonwealth were to be elected. Under the ordinance of 1787, no officer was to be elected during the first grade of territorial government and none but members of the Legislature during the second grade. The qualifications for voting even for members of the Legislature were exacting, including heavy property qualifications, which reduced the electorate to a small class.

Further evidence of the democracy of the Virginia regime is furnished by acts of the assembly of that colony. On December 5, 1785, an act was passed declaring that none shall be condemned without trial and that justice shall not be sold or deferred, and on December 6, 1785, an act was passed with an elaborate preamble declaring that all men are free to profess and maintain any religious belief, that such rights shall not be the cause of any disability and are the "natural rights of mankind."

WITCHCRAFT.

Strange as it may seem, and in contrast with the enlightened policy of Virginia, amongst the first public acts of the government under the Virginia colony administered by John Todd as lieutenant of the County of Illinois created by the General Assembly, was a prosecution and execution for witchcraft. A doting old negro was adjudged guilty of sorcery and witchcraft and was shot by order of Lieutenant Todd.

PURE FOOD.

It is only in recent years that national and state governments have awakened to the necessity of inspection and supervision of foods, but as early as November 27, 1786, and before the Illinois country had any

other government than that of Virginia, an act was passed by the Virginia Assembly which forbade a butcher to sell the flesh of any animal dying otherwise than by slaughter and forbidding a baker, brewer, distiller or other person from selling unwholesome bread or drink. The punishment for violation of any provision of the law was, for the first offense, amercement; for the second offense, by the pillory; for the third, fine and imprisonment, and for each subsequent offense, the person convicted was adjudged to hard labor for six months in the public works.

THE TERRITORIAL PERIOD.

While democracy and broad humanity were the cardinal principles of the Virginia regime, precision and efficiency were marked characteristics of the administration of the Northwest Territory.

Whatever other criticisms may be visited upon the Governor, General Arthur St. Clair, lawyers must agree that he and the court appointed by the President, and constituted by the ordinance of 1787 the legislative power of the Territory, proved highly capable as law-makers.

What is known as the "Maxwell Code" was an admirable body of laws and to this day forms the basis of our statutes. Good lawyers will concede that many of the laws enacted by this early law-making body were distinctly superior to any that have been passed by any succeeding body exercising legislative functions over Illinois territory.

There were, however, numerous acts or provisions in acts in those early days that provoke a smile or occasion surprise.

ATTORNEYS.

As of interest to lawyers, it is somewhat surprising that as far back as 1792, an act was passed regulating the practice of law which, on comparison, would, I think, be considered a far better law than that of the present day.

We must smile at an act of August 1, 1792, which limited the employment of counsel to two on one side of a case and provided that when there are no more than two attorneys practicing at any bar, a client will not be permitted to hire more than one of them.

Present day lawyers will rejoice that an act of August 1, 1792, is not now in force. It contained this interesting provision relative to attorneys' fees:

"For a pleading fee when counsel is employed on an issue in law or fact joined in the Supreme Court, two dollars; for all other causes in the Supreme Court and for all causes in the court of common pleas and court of general quarter sessions of the peace where an issue in fact or law is joined, one hundred and fifty cents; and for all other causes in the common pleas court of quarter sessions as a retaining fee one dollar; in criminal causes where one or more defendants are tried by jury at the same time or where a cause is determined by an issue at law a pleading fee for the counsel in the Supreme Court (but to one counsel only) two dollars; and when no trial is had by jury nor the cause determined by an issue in law, one dollar and an half; and in the court of general quarter sessions of the peace the fees shall be the same as is allowed in the court of common pleas."

By 1798 it was thought advisable to amend the laws relating to attorneys' fees and on May 1 of that year, an act was passed, section seven of which reads as follows:

"SEC. 7. *Attorneys' fees in common pleas and quarter sessions.*—Retaining fee one dollar; pleading fee where issue or demurrer one dollar and fifty cents; term fee fifty cents; the Attorney General's deputy in the court of common pleas or quarter sessions one-half the fees by law allowed the Attorney General in the general court for similar services."

An act of October 1, 1795, prescribed the oath which an attorney or counsellor at law was required to take and which, no doubt, some people would think quite salutary now. It was as follows: "You shall behave yourself in the office of counsellor at law (or attorney as the case may be) while within this court according to the best of your learning and with all fidelity as well to the court as to the client. You shall use no falsehood nor delay any person's cause for lucre or malice (so help you God)."

CANALS.

Preferring to direct attention to the peculiarities in the laws in somewhat of an alphabetical order, rather than chronologically, we come upon an interesting act of the Indiana Legislative body; that is, Governor Harrison and the territorial judges with reference to a canal. By an act passed August 24, 1805, the "Indiana Canal Company" was incorporated. This was the parent canal act and concerned a canal at the falls of the Ohio. It was most interesting in the personnel of the board of directors appointed by the Legislature, many of whom have come down to us as prominent historical figures. This first canal board consisted of George Rogers Clark, John Brown, Jonathan Dayton, Aaron Burr, Benjamin Havey, Davis Floyd, Josias Stevens, William Croghan, John Gwathmey, John Harrison, Martin C. Clark and Samuel C. Vance.

In following the canal legislation through the territorial period, it is interesting to note that the incorporation of the "Little Wabash Navigation Company," on December 24, 1817, was the first act creating a corporation by a distinctly Illinois lawmaking body, the Territorial Legislature of Illinois.

This first distinctly Illinois Corporation Act contains some features that are sometimes talked of in these days; for instance, the property of the canal, although a private concern, was to be exempt from taxation perpetually. That provision would be illegal under our present Constitution. The company was empowered to collect tolls, and a distinguishing feature of the act was that the canal was to become the property of the State at the end of thirty years. A similar provision with reference to State ownership was included in the act of January 9, 1817, incorporating the "Illinois Navigation Company," giving Henry Bechtel and his associates the right to cut a canal and build locks from the Mississippi to the Ohio River near the town of America, in Johnson County.

CORPORATIONS.

The first general incorporation act to which the Illinois country was ever subject was passed May 1, 1798, by Governor St. Clair and the territorial judges of the Northwest Territory.

The general provisions of this law did not differ materially from general incorporation acts of the present day, but it contained this significant limitation: "Provided always that the clear yearly value or income of the messuages, houses, lands and tenements, annuities or other hereditaments and real estate of the said corporations respectively and the interest on money by them lent shall not exceed the sum of fifteen hundred dollars."

Quite frequently, the question of limitation upon corporation holdings is spoken of at the present time.

CRIMINAL LAW.

In the first year after the organization of the Northwest Territory, 1788, by an act adopted September 6 of that year, quite a complete criminal code was adopted. It dealt with the usual crimes, but the notable features in connection therewith were the punishments provided. Treason and murder were the only crimes punishable by death in this first law though arson, horse stealing and bigamy were made punishable by death in later laws. For arson, the convicted person might be whipped not exceeding thirty-nine stripes, pilloried for two hours, confined in jail three years, made to forfeit all his estate and if a death resulted from the burning, the convict should be put to death. For robbery or burglary with theft, thirty-nine lashes, a fine of treble the value, one-third of the fine to go to the territory and two-thirds to the party injured. For robbery or burglary with abuse and violence, the same punishment as burglary with theft and in addition, forfeiture of all property and confinement in prison for not to exceed four years. Robbery or burglary with homicide was punishable by death and all persons aiding or abetting were deemed to be principals. For obstructing authority, one might be fined and whipped not to exceed thirty-nine lashes. For larceny, one might be adjudged to return double the value of the goods stolen or to receive thirty-one lashes. For forgery, a fine of double the loss caused and not to exceed three hours in the pillory. For disobedience on the part of servants or children, imprisonment was provided; for striking a master or parent, not to exceed ten lashes. For drunkeness, a fine of one dollar was payable and the person convicted might be required to sit in the stocks for one hour.

As early as 1790, gambling of every species for money or property was forbidden under severe penalties and all gambling contracts were declared void.

Under an act of January 5, 1795, for the trial and punishment of larceny under $1.50, upon conviction, the accused might be publicly whipped upon his bare back not exceeding fifteen lashes or fined not to exceed three dollars, thus apparently fixing a whipping value of twenty cents per lash.

On December 19, 1799, an act was passed to punish arson by death.

On August 24, 1805, under the authority of the Territory of Indiana, a stringent law was passed to prevent horse stealing. For the first offense, the thief might be required to pay the owner the value of the horse stolen, to receive two hundred stripes and be committed to jail until the value of the horse was paid. On a second conviction, the offender should suffer death.

By the same law, hog stealing was made punishable by a fine of not less than fifty dollars nor more than one hundred dollars, and the thief might be given not to exceed thirty-nine lashes on his bare back. This same act provided a fine for swearing.

By an act of October 26, 1808, the law was further amended making horse stealing punishable by death and making the receiver equally guilty with the thief and also punishable by death.

The governor and judges as legislators for the Territory of Indiana, dipped into the proposition of conclusive presumptions when, on December 5 of that year, they passed an act to prevent altering and defacing marks and brands and the misbranding of horses, cattle and hogs. It provided a penalty for misbranding equal to the value of the animal misbranded, "one dollar and forty lashes on the bare back well laid on," and for a second offense, the same fine and "to stand in the pillory two hours and be branded in the left hand with a red hot iron with the letter "T" (meaning "thief").

It provided further that any person bringing to market or to ship "any hog, shoat or pig without ears, he or she so offending shall be adjudged a hog stealer."

The first Territorial act to impose any duty upon counties was that of August 1, 1792, which required each county to build and maintain a court house, a jail, a pillory, whipping post and stocks.

The whipping post, pillory and stocks were institutions of the law to which this State was subject from their institution in 1788 to 1832. This character of punishment was justified on the ground that there were no penitentiaries in which to confine criminals and there was still a sharp division of sentiment as to which, confinement or whipping, was the better mode of punishment, in 1829, when the movement for a penitentiary, led by the rough old backwoodsman, John Reynolds, afterwards Governor, was launched.

DIVORCE.

The first divorce law was passed by the governor and judges of the Northwest Territory July 15, 1795. It contained but three causes of absolute divorce; namely, (1) former wife or husband living at the time of marriage; (2) incompetency; (3) adultery, and but one cause of divorce from bed and board, namely, extreme cruelty. Tracing divorce legislation through the territorial changes, it is found that the Legislatures, despite the fact that general laws existed, reserved to themselves the right to grant divorces outright. An amusing divorce act appears in the Session Laws of 1818. On January 6 of that year, an act was passed granting a divorce to Elizabeth J. Spingy. The act recites in the preamble that James Spingy, her husband, is unfaithful and it has been represented to this Legislature that said Elizabeth must be considerably injured if she cannot obtain a divorce sooner than in the ordinary way and enacts that the bands of matrimony are hereby dissolved.

ELECTIONS.

About the only elections with which the people were concerned in territorial days were those of representatives in the General Assembly after the Territory attained to the second grade of territorial govern-

ment. The greater territory got to that stage in 1799 and a comprehensive election law was passed which reflects credit upon the framers; but it contained a striking provision with reference to the manner of voting. It provided that the elector should approach the bar in the election rooms and addressing the judges in an audible voice so as to be heard by the judges and poll keepers, mention by name the person or persons he desired to vote for, and the poll keepers shall enter his vote accordingly. This was the *viva voce* vote.

A few years later, an act was passed providing that all voting should be by written ballot, but on December 8, 1813, the Legislature of Illinois, "to prevent fraud and imposition," passed an act abolishing voting by ballot and making only voting *viva voce* legal.

Following the election laws a little further, we find that at the time of the adoption of the Constitution of 1818, a law was in force requiring all voting to be by ballot, but that, in 1821, the ballot law was again repealed and a provision made that the voting should be *viva voce*. In 1823, an act was passed providing for voting by written or printed ballot. In 1834, voting by written or printed ballots was abolished, but in 1839, a new act was passed providing again for a written ballot.

The Constitution of 1848 provided for a written or printed ballot and ever since we have voted in that way.

FERRIES.

It is quite amusing to hit upon the small politics that sometimes influence public action. By an act of January 9, 1816, of the Illinois Territorial Legislature for regulating ferries, free ferriage was granted preachers of the Gospel but by an act of December 17 of the very next year, the provision for free ferriage for preachers of the Gospel was expressly repealed.

FISHERIES.

There were some special favors in these days also. By an act of December 29, 1817, William Morrison, of Randolph County, a familiar name in early Illinois history, was authorized to erect a dam three feet high, on the falls of the Kaskaskia River, opposite the mouth of the Nine Mile Creek, for the purpose of catching fish. As noted farther on, Mr. Morrison also secured a bridge franchise. Numerous ferries and several toll bridges were established in the same manner.

JURY SERVICE.

A change in the significance of words, perhaps, deprives the ladies of an argument that women were formerly qualified to serve on juries. An act of March 3, 1810, established the grand jury and provided that the sheriff should summon twenty-four "house keepers" for grand jury service, and an act of December 25, 1812, provided that any "house keeper" was qualified to serve on any jury whatsoever.

In later laws, the term has been changed to "householder."

KASKASKIA.

The Territorial Legislature of Indiana, sitting at Vincennes, on December 16, 1807, passed an act having an historic interest. The act

provided for the appointment of Michael Jones, Robert Robertson, George Fisher, John Edgar and William Morrison, as commissioners and the first board of trustees of the town of Kaskaskia. They were authorized to appoint a clerk, an assessor and collector and empowered to levy a tax not exceeding 2 per centum on the value of lots for surveying the town, paying the expense of the officers and cleaning and keeping the streets in repair. Subsequent boards were to be elected by the residents. All owners of lots in Kaskaskia resident therein were qualified to vote for trustees. Nothing appears in this act or in the ordinance of 1787 to prevent women from voting provided they were residents and owners of lots in Kaskaskia.

LEGISLATURES.

Under each Territorial government, acts were passed fixing the compensation of legislators and it is a matter of considerable interest that by the act of the very first Legislature of the greater territory, passed December 19, 1799, the compensation of members was fixed at three dollars per day for attendance and mileage at the rate of three dollars for every fifteen miles, "at the commencement and end of every session." No subsequent act contains that qualification. A difference of opinion has long existed as to whether legislators are entitled to their traveling expenses for necessary trips to and from the seat of government during the session or only at the beginning and end thereof. The omission of the restrictions in all acts since that of 1791, and in the three Constitutions would seem to indicate the intention to allow traveling expenses at other times besides the beginning and end of the session, but the Supreme Court has, within the year, held otherwise.

In comparison with our present formidable appropriations, the appropriation acts of early Legislatures are real curiosities. The first one, that of 1799, and indeed, all of the Territorial appropriation acts, indicate the most rigid economy and provoke a smile at their comparative insignificance.

LICENSES.

It was quite common in early days to regulate the sale of any or all kinds of merchandise as well as liquor. The legislation of the greater territory on that subject included merchandise and liquors under the same acts. The Territory of Illinois imposed a general license for the sale of merchandise of fifteen dollars a year.

LIQUOR.

In all the early acts authorizing the licensing of tavern-keepers, fair dealing and proper treatment of the customers were the principal aims. There was plainly no prejudice against the selling of liquor, but a determined intent that the public should be well treated.

To that end, the tavern-keeper was obliged to furnish good eating and sleeping accommodations and to refrain from overcharging. The judges or others empowered to grant licenses were authorized to fix a scale of prices for board, lodging and drinks which must be rigidly adhered to under severe penalties.

MARRIAGES.

The first law regulating marriages, to which the Illinois country was subject, required no formal license, except as an alternative to publication, but simply an application to any of the judges of the General Court or of a County Court of Common Pleas, or to a minister of any religious society or congregation, or to the society of Quakers; but it was provided that "previously to persons being joined in marriage * * * the intention of the parties shall be made known, by publishing the same for the space of fifteen days at the least, either by the same being publicly and openly declared three several Sundays, holidays or other days of public worship, in the meeting in the towns where the parties respectively belong, or by publication in writing, under the hand and seal of one of the judges before mentioned or a justice of the peace within the county, to be affixed in some public place in the town wherein the parties respectively dwell, or a license shall be obtained of the Governor, under his hand and seal, authorizing the marriage of the parties without publication, as is in this law before required."

The law in relation to marriage was modified by the Territory of Indiana in 1806, to provide that licenses might be issued by the clerks of the court of common pleas instead of the Governor, and by an act of September 17, 1807, of the Indiana Legislature, the provisions of the act of 1788 with regard to the publication of banns, was re-enacted.

By an act of November 4, 1803, adopted by the Governor and judges of Indiana Territory, forcible and stolen marriages were forbidden and bigamy was declared a felony and made punishable by death.

MILLS AND MILLERS.

By an act of December 2, 1799, the milling business was quite minutely regulated. The act fixed the toll for grinding and bolting wheat and rye into flour at one-tenth part; for like service with respect to corn, oats, barley and buckwheat, one-seventh part; if the grain be only ground and not bolted, one-eighth part. For grinding malt and chopping rye, one-twentieth part.

The proprietor of a horse mill was entitled to less toll than that of a water or wind mill. Penalties were imposed for taking excessive tolls and the miller was made accountable for all grain received and required to provide correct measures whereby to ascertain the toll, which must be compared with government standards.

By act of August 24, 1805, the writ of *ad quod damnum* was introduced into our jurisprudence. Such writ might issue from the court of common pleas for the purpose of impaneling a jury to view mill sites and assess damages.

The Legislature of Illinois in 1817 by an act of December 17, reduced somewhat the amount of toll which the miller might take for his services.

PRISONS.

By an act adopted in 1792, the sheriff and other officers were made responsible for the safe keeping of prisoners. If a prisoner escaped, the officer was severely punished, and if he were imprisoned for debt, the officer could be held liable for the debt.

It is interesting to know that there has been on foot for several years past, a movement to have a stringent liability provision inserted in the statutes of the several states relating to mob law, riots and unlawful assemblies, and it is of still further interest to find that the Legislature of the greater territory, by an act of December 19, 1799, repealed the liability provisions of the early law above referred to, expressly upon the ground that escapes were consummated by collusion in order that the officers might be held responsible.

An act passed by the Territory of Indiana on September 17, 1807, and another by the Territory of Illinois on July 22, 1809, are genuine curiosities, as regulating the manner of holding prisoners in confinement, out of doors. The one providing for fixing a boundary, (200 yards at the highest), beyond which prisoners were not allowed to pass. It is presumable that when the prisoners were numerous, it was easier for them to escape, and consequently the act of 1809 provided that guards might be hired to keep them within the bounds, or if none could be found willing to engage for the purpose, power was given to impress guards.

All of this was before we began building prison strongholds.

PRIVILEGES.

Privilege from arrest was quite extended in the early days. By an act of the Indiana Territory of September 17, 1807, virtually all persons performing any public duty were exempt from arrest during the performance of such duty. No person could be arrested while doing military duty or while going to or returning from parade. None could be arrested on Sunday or in any place of religious worship or in either House of the Legislature during its sitting, or in any court during the sitting thereof, nor on the Fourth of July. These exemptions did not, however, extend to charges of treason and felony.

REVENUE.

It is quite popular nowadays to advocate the levy of a tax upon bachelors, but it is by no means new. As early as June 19, 1795, the Governor and judges of the Northwest Territory included a tax of $1.00 per head on single men, and such a tax was imposed throughout the territorial period.

The Governor and judges of the Illinois Territory by an act of July 20, 1809, fixed a license of $15.00 per annum for the sale of merchandise, and the Territorial Legislature of Illinois by an act of December 22, 1814, levied a tax of $40.00 annually on billiard tables.

By an act of January 9, 1816, the tax on billiard tables was raised from $40.00 to $150.00; $100.00 to go to the Territorial treasury and $50.00 to the county treasury.

It became the settled policy of the several territories to levy a tax on Dunkards and Quakers as a consideration for their being released from military duty, and a similar provision as to all persons having scruples against military duty still exists in the Constitution of 1870.

ROADS AND BRIDGES.

As early as August 1, 1792, the inhabitants of the various localities were required to work upon the roads and keep them in good condition. The road laws of 1792 and 1799 were very comprehensive acts.

By an act of the Illinois Territorial Legislature of January 6, 1818, Mr. William Morrison, of whom we have before spoken, was granted power to build a floating bridge over the Kaskaskia River, in the county of Washington, at his own expense, and he was empowered to collect as toll the same rates as ferries, for seven years.

It was further provided that "no one shall build a bridge within three miles thereof." This was the first toll bridge act.

SERVANTS.

The first of the "Black Laws" which played such an important part in the history of this State and which were in reality devices for the evasion of the provisions against slavery contained in the ordinance of 1787 was passed by the Territory of Indiana, September 22, 1803. It was several times amended and enacted into the laws of the Territory of Illinois. It was against these laws that Lovejoy and the other anti-slavery men railed and these laws were the culminating influence upon slavery in Illinois.

TRESPASS.

Our forefathers were direct if anything. In many cases instead of putting an aggrieved person to the trouble of bringing several suits or prosecutions, relief was afforded in a single proceeding; as, for instance, the act of August 15, 1795, to prevent trespassing by cutting of timber, provided that any one convicted of such trespass should pay to the owner for black walnut trees, white wood, wild cherry or blue ash cut down, $8.00, and for any other kind of a tree, $3.00.

VAGRANCY.

For several years past, there has been a great deal of agitation concerning the manner of jailing delinquents, thus depriving their families of their support, and it is suggested that such persons be obliged to work and their earnings, or part thereof, be available for the support of their families. The Indiana Territory accomplished this purpose nearly one hundred and ten years ago. By an Act of September 14, 1807, concerning vagrants, it was provided that "every person suspected of getting his livelihood by gaming, every able-bodied person found loitering and wandering about, having no visible property and who doth not betake himself to labor or some honest calling; all persons who quit their habitation and leave their wives and children, without suitable means of subsistence, and all other idle, vagrant and dissolute persons rambling about without any visible means of subsistence, shall be deemed and considered vagrants."

The act further provided for arrest of all such and upon conviction that such as are adult, shall be hired out by the sheriff and their earnings paid to their families, if they are in need of them, and if not, to the discharge of their debts.

It further provided that if no one would hire them, such vagrant should receive not to exceed thirty-nine lashes. Adults might be discharged by giving bond conditioned upon their going to work and keeping at it. If the vagrant be a minor, he shall be bound out until of age.

These are a few of the striking laws selected from the great body of our Territorial legislation. It is not intended to indicate that the odd laws ended with the organization of the State. As a matter of fact, there were some very striking acts adopted by the State Legislature; such, for instance, as the act of February 14, 1823, making drastic regulations concerning the sale by peddlers of wooden clocks, which no doubt resulted from numerous frauds committed by peddlers in the pioneer community. Or such as the act of January 17, 1825, which prohibited justices of the peace from receiving payment upon any claim or demand placed in their hands for collection, passed, no doubt, as a result of numerous failures of J. P.'s to turn over their collections.

All these acts illustrate the statement made early in this paper, that law is the essence of the activities of the community. It arises from what is being done in the community and is the final record of the community mind. It is, therefore, the most reliable historical criteria.

EARLY PRESBYTERIANISM IN EAST CENTRAL ILLINOIS.

(Rev. Ira W. Allen, A. M., D. D., Paris, Ill.)

Let me ask you to call upon your historical imagination and paint in the inner chambers of the mind a picture, indeed, a pictorial series.

A farm in Kentucky is the background of the first scene. A missionary has just started for the New Purchase in Indiana. It is September of the year 1822. The day is one of golden sunshine and almost summer warmth. The pioneer sits upon the driver's seat of a covered wagon, holding the reins that guide four horses, and beside him sits his wife holding a two-year old girl in her lap. From the rear an older girl looks out.

Within are the supplies usual for a migration to a home in the wilderness, but in addition to these are a few books and some missionary reports as well as the minister's Bible.

Scene second: A lovely autumn day is coming to a close. Not by the roadside, for their is no road, but in a glen stands a covered wagon. Not far away four hobbled horses are eagerly biting the half dried grass. A camp fire is burning beneath a giant hickory, and near it sits the missionary's wife. A large iron kettle is suspended by a long pole sloping high enough above the fire not to burn. The pole's lower end is under a log. It runs upward supported by a forked branch driven in the ground. The older child is feeding the fire. The father is picking the feathers from a wild turkey. A rifle lies on the ground beside him. The youngest child is asleep in her mother's arms.

Scene third: It is raining steadily. The horses are sinking every step into a miry road. Their sweaty coats steam in the rain as they struggle slowly onward. In great coat and coonskin cap the missionary sits on the driver's seat. The back flaps of the wagon are drawn down tight. He is the only human being visible. The wagon wheels sink, sometimes sharply and deeply. Then the smoking horses strain against their collars and the wheels give curious sucking sounds in the water and mud. Around a curve the wagon disappears.

Scene fourth: A log cabin stands where great trees have been cleared away. Near it are some stumps, testifying by their size to the forest giants that fell before the missionary's axe. Between the logs of the cabin walls appear the chips that await the plaster to make them firm and keep the wind away. The rough stone chimney is unfinished, but smoke is coming from it. Little patches of snow are on the ground. The clearing is shut in on every side by mighty trees.

Scene fifth: The cabin is finished. White plaster, flush with the outside of the squared logs, shows in all the cracks and crevices. The chimney is up to its full height. A door squarely fills in the doorway, with a leather thong hanging out through a small hole where the knob

of a modern door would be. The clearing is much larger and in one place young corn is growing and bean vines are showing themselves. On one log of the cabin is roughly carved: "Cottage of Peace."

Scene sixth: Under the trees of a grove a small settlement are gathered some scores of people. Of homespun goods are their clothing, rough and clumsy their shoes. They are all brown from the sun and wind. They all face one way and their heads are bowed, for with uplifted face the missionary is praying. On many cheeks are tears, but it is very still in the grove. The only sounds are the missionary's voice and the stirring of the leaves.

Scene seventh: In the corner of a room so small as to seem a toy room, a chamber of a child's playhouse, is a bed of poles and skins. On it lies an emaciated, white haired woman. Beside it sits the missionary. A Bible is open in his hands. To the dying woman he reads the words of Jesus:

"My sheep hear my voice, and I know them, and they follow me;
And I give unto them eternal life; and they shall never perish, neither shall any man pluck them out of my hand."

Mr. President, unless some such pictures illustrate the text which is to follow, it will seem dry and juiceless, as lifeless as a surveyor's description. To understand at all what a farm is, after we have read a legal designation of its metes and bounds, we must picture its fields and meadows, its spring and its woodlot, its fertility and lush life. These last indeed give the farm its value and make its legal description worth the writing.

So is it in this paper. The real religion, the desire for God, the longing for eternal life, the aspiration for noble living, the craving for some assurance of acceptance with God, the hunger of the heart for the divine sympathy and compassion, and the complete satisfaction of all these desires in the simple gospel preached by the missionary—these give the real meaning to the accounts which follow.

Further, the hardships and struggles of pioneer life did not smother these desires, nor the dangers of river and wilderness deter the missionary. Sacrifice and courage on his part and on theirs, faith, prayer, trust and persistence in religious duties on his part and on theirs, must be understood to get the real significance of the organization of Illinois' early churches.

The Presbyterian history of eastern Illinois really begins with the coming of isolated members of that church from eastern states, principally Ohio, Virginia, and east Tennessee. Here and there a communicant could be found in one of the log cabins, in the forests or on the edge of the prairie, who longed for the coming of a missionary, desiring to hear the gospel preached and to partake of the sacrament of the Lord's Supper.

How real that longing was in many breasts may be judged from the fact that often a man or a woman would walk eight or ten miles to attend a meeting, would ride or drive twenty or thirty. But the formation of churches began when the Rev. Isaac Reed, a minister of a little pioneer church in Owen County, Indiana, and a missionary of the Connecticut Missionary Society crossed the Wabash River on a journey to Paris, Ill.

There he organized the first church in this section of our State. I quote from a report he made and from his diary.

"The Cottage of Peace, IND., *November 24, 1824.*"

GOOD NEWS FROM THE FRONTIER.

"I have just returned from a short missionary tour across the Wabash. I was as far out as Paris, Edgar County, Illinois. Indeed this was the point of my principal aim. I went by the particular and earnest solicitation of some people, in that vicinity, (who had removed there from Ohio and from East Tennessee, but whom I had never seen) that I would come and bring them into church order. They had been about two years there with their families, and no minister had yet found his way to their settlement. The appointment had been a good while made, and I was therefore expected. Brother D. Whitney also went with me. We crossed the Wabash three miles above Fort Harrison the fourth inst. That night we had a meeting two and a half miles from the river. There were present three female members of our church, all of them from the state of New York. One had been seven years there, and the others four years; neither had been at communion since they came into the country, nor had they heard a sermon for almost two years—and this purely because they had no opportunity. The next day at evening we began our meeting in the neighborhood of Paris. Nothing unusual appeared. The people seemed pleased to receive us, and in the prospect of a church and the sacrament.

"On the sixth we preached in town. It was a new and small place, though the seat of justice of Edgar County. The services were performed in a schoolhouse. Whilst preaching, a very uncommon solemnity and deep attention seemed to prevail. Numbers were affected to tears. After sermon the church was constituted out of the members present. They were twelve; three elders were chosen. An examination then commenced of persons who desired to become members; and on the following day, thirteen were admitted on examination, and another by letter, making twenty-six. Four adults were baptized. And a very deep and tender impression seemed to exist in the minds of many of the hearers--many shed tears, and confessed, when enquired of, that their minds were awakened into concern for their souls. It seemed that a revival of the Lord's work was begun. They had for nearly two years kept up society meetings on the Sabbath, and seemed to have desired and hoped and prayed for a preacher to come and see them, until they were prepared, when he came, to receive him as sent them of the Lord; and they seemed to wish to attend to his message and to follow the Lord's will. The eighth we constituted a Bible Society auxiliary to the American, and left them. But we did not so soon leave the traces of the Lord's work. Where we held a meeting that night, a woman convinced of sin, when repentance was the subject of discourse, wept aloud.

"The next day we had preaching seven miles further toward the Wabash; here also members seemed concerned, and at night, in another part of the settlement, five miles distant, it was yet more manifest. There were several children baptized; one household of eight; and two days after, six persons were admitted on examination to the communion of the church.

"In short in five days we examined and admitted nineteen persons to communion, constituted a church in a settlement beyond the point to which any of our ministers before had traveled—administered the Sacrament twice, baptized four adults and nineteen children."

Now I read an extract from the Rev. Isaac Reed's diary:

"A Macedonian call had been sent me at Vincennes, the first week of August, from Paris, Ill.; I had returned word I would come.

"Sept. 14th, 1825.—I left the Cottage of Peace on my way to preach the gospel to them. Rode 25 miles and preached at 5 o'clock p. m. Baptized 5 children. This was the household of one of the members of the new formed congregation of Greencastle."

"15th.—Started at sunrise, and went on to Greencastle, 5 miles to breakfast; found my friend Mrs. O—, very sick of a fever. Prayed with her . Hope she may recover. Stopped only for breakfast and went on. Passed through 17 miles woods with only a single cabin. Met and passed numbers on the road. Though very new, it is the leading way from Ohio to the upper parts of Illinois, and near where the National road is expected to pass. Rode this day 31 miles, and stopped with Mr. Samuel Adams; found the woman ill. Spent the evening in reading loud to the family a printed missionary report, and part of two sermons."

"16th.—Started at sunrise, and rode to Mr. T's, 4 miles. He is an elder of our little church, on Big Raccoon Creek. It was formed near three years ago, by a missionary of the General Assembly, but has no minister nor meeting house, nor meeting, except when a missionary comes along. Went on through a very lonely and wet tract, 10 miles to the Wabash River. Crossed it 12 miles above Fort Harrison, a place famous in the late war. Rode 14 miles further to Mr. M'C—'s, where I had appointed to preach. This is on an arm of the Grand Prairie in Illinois."

"On my way I met a man whom I had known 6 years ago at New Albany. He had been used to attend my ministry, but I had not known anything of him since. Enquired of him respecting his mind—found it troubled and dark, without a Christian hope; but uneasy. Exhorted him, and requested him to come to the meeting at Paris. This prairie has a grand and beautiful appearance. It is dry, grassy, and flowered. Preached—the attention was good. Had an interesting conference with the man of the house, his wife and another woman. They are zealous Christians in their first love; each has united with the church in less than a year."

"17th.—Rode into Paris 8 miles. Met the congregation at the court house. Preached immediately. Text, Act 16:10. A large number of hearers and very good attention. Ordained a ruling elder and gave a charge to him, and another to the congregation. Held a meeting with the session; examined and received 2 persons, both young converts. Preached again at night to a numerous and solemn assembly."

"Paris is the county seat of Edgar County, but is a very small place of about 8 cabins. It lies on the prairie. The church here was formed by my ministry, last November, with twelve members. It seemed in a state of revival, and I left it with 26. Sixteen had been added—Now 42."

"18th.—Sabbath. Held prayer meeting at the court house half after nine a. m. Baptized one adult. Preached and administered the Lord's Supper. There were three tables. A large number of hearers, very well behaved. Rode 4½ miles to lodge. Read aloud to the family a missionary report.

"19th.—Rode to Paris and preached at 11 a. m. The sermon was a funeral one for Mr. John Young, missionary, who died at Vincennes, Aug. 15th, aged 28 years. He had spent some months with these people, where his labors appear to have been greatly blessed. Dined and took leave of these interesting people. They are anxious to obtain a minister, and I hope they can soon support one. Rode 10 miles and preached at night."

"20th.—Rode 9 miles to New Hope meeting house. Met the congregation and preached the same funeral sermon as yesterday. Here, too, Mr. Y. had labored—been successful, and was much beloved. It was a feeling time. Baptized 1 adult and 1 infant. This is a wonderful society. It has grown up from 9 to 70 members in 10 months, and there seems still a reviving influence. They subscribed $10 toward printing the funeral sermon. They have built a new meeting house. Preached again at night, and baptized four children."

"21st.—Found where there is a pious lad, now a scholar of the Sabbath school; anxious to learn and makes great proficiency. I expect he is to be called to the ministry. Rode 11 miles to the village Terre Haute. This is a singular place—has about 200 population and much mercantile business. It has no religious society of any order. But at present a great disposition to hear preaching. And its gentlemen have formed a Sabbath reading meeting at the court house. They read printed sermons. There is also a new-formed Bible society and there is a small Sabbath school. I am told, $300 salary might be raised here for a preacher. Preached to a large congregation at night. In the afternoon, visited and prayed with the school."

"22d.—This day was rainy. Rode 21 miles—rested for the night; but not without being solicited to preach."

"23d.—Preached a funeral sermon for the death of a married woman—she has left children. Rode 13 miles and lodged at D——'s on Raccoon Creek—this is a Presbyterian family from Ireland."

"24th.—Repassed the long woods to Greencastle, 18 miles—preached at night. My friend appears recovering from her fever, but is very weak."

"25th.—Rose early and retired to the woods. Visited and prayed with a sick woman. Met the congregation—prayed—ordained a ruling elder, and gave him and the congregation a charge. Preached and administered the Lord's Supper, in the new church at Greencastle. There were few to commune, but many to hear—went home with the elder. When we entered his house, his son was weeping aloud. The Bible lay open on the table—and the first words he spoke were, "The Lord has found me." He seemed greatly agitated and distressed. I endeavored to direct him to the Savior and read and explained to him and the family the parable of the Prodigal son."

"26th.—The young man was still serious but more calm. Left him a reference to some chapters. Rode home about 24 miles and found my family in peace. I had been absent 13 days—rode 222 miles—preached 13 sermons—administered the Lord's Supper in 2 churches—ordained a ruling elder in each church—baptized 2 adults and 6 children."

And now the account of the organization of the Paris church from the minutes of the meeting:

"At a meeting held in the schoolhouse at Paris, Illinois, November 6th, 1824, after public worship, the following persons, members of the Presbyterian church were by prayer solemnly constituted into a church, by the name of the Presbyterian Church of Paris: John Bovell, William Means, James Eggleton, Adriel Stout, Amzi Thompson, Samuel Vance, Christian Bovell, Nancy Thompson, Barbara Alexander, Elizabeth Blackburn, Hannah Baird, Mary Vance."

"Samuel Vance, John Bovell, and William Means were then unanimously elected Ruling Elders—they each having held that office in other congregations."

"The Session then held a meeting to examine persons for membership, when, at a meeting on Sabbath morning, Nov. 7th, the following were examined and admitted to communion: James Ashmore, Cassandra Ashmore, Rebecca Ives, Susanna Means, Elizabeth Jones, Polly Wayne, Eliza Stout, Jane Ewing, Margaret Crozier, Betsy Burr, Miron Ives, Sarah Ives, Asenath McKown, Rachel Ashmore.

Four of these, viz: Mrs. Means, Miss Ashmore, Mr. Ives and Mrs. Ives, his wife, were baptized; and the communion was administered.

ISAAC REED, *Moderator.*

(Copy from the Original, abridged May 22, '27. Sam'l Vance, Clerk.)"

Here are further records of early Presbyterian activity in church organization:

"The Records of New Providence Church, Edgar Co., Ill."

"According to previous notice a number of people of the settlement of Sugar Creek met at the house of Mr. Martin Ray on the 15th of May, 1829, for the express purpose of organizing a Presbyterian Church. ——"

"The Revd. Clayborne Young being present opened the meeting with prayer, presided and by appointment acted as temporary clerk. Motion being made, an election was held, for two persons to serve as Ruling Elders and the votes being counted it appeared that Messrs. Alexander Ewing, 2nd and John W. McNutt were duly elected and this election was publicly announced and the meeting then adjourned until Saturday the 16th. Concluded with prayer."

"Saturday, May 16th, 1829 Messrs. A. Ewing and J. W. McNutt having signafyed their willingness to serve and presented certificates from New Providence church (E. Tenn.) were sollemnly ordained of this church according to the Presbyterian form of government. A door was then opened for the admission of members—the following persons were then received as members of this church."

"See Tabular Form No. 1, page 112.

ALEXANDER EWING, *Cl'k.*

Sabbath, May 17th. The sacrament of the Lord's Supper was administered."

"Monday, 18th. Session convened, Revd. C. Young, Moderator and recd. on Profession &c."

"See Form No. 1, page 112."

Turning to page 112 of the same book we find ruled columns extending across the two leaves of the opened book. It is the "Form No. 1," referred to in the minutes. Across the tops of the extended pages is written:

"Form No. 1. Acts of the Session."

The columns from left to right have the following headings:

"Names, When Recd., How Recd., Baptized, Dismissed, Suspended, Excommunicated, Restored, Died."

Here we find the names of the charter members:

Thomas Art, Mary Art, Elven Tucker, Elizabeth Tucker, Margaret L. Ewing, Elizabeth McNutt, George Ewing, Elen Ewing, Martin Ray, Jane Ewing, Rachel Ewing, Eliza I. Tucker, Nathaniel Ewing, Elisabeth Ewing, Margaret Ray.

To these names must, of course, be added those of Alexander Ewing and John W. McNutt, the elders elected. Thus the church was organized with seventeen members.

The following records of historic value explain themselves:

"At a meeting held in Palestine, Crawford County, Illinois, on the 14th, 15th and 16th of May, Anno Domini 1831, attended by the Revd. Isaac Reed and the Revd. John Montgomery, the following persons, members of the Presbyterian church from different parts, gave in their names and requested to be set apart and constituted into a Presbyterian church, to be called the Palestine church. And after due enquiry and examination they were set apart by prayer and constituted into a church, (viz:) John Houston, (sen.) and Nancy Houston Ann Logan, Jane Houston, Eliza Houston, Wilson Lagow and Nancy Lagow, Alfred G. Lagow, James Eagleton, James Caldwell, Phebe Morris and Anna Piper. These were constituted into a church on the 14th and on the next day there were added Margaret Eagleton, John Malcom and Ann Malcom and Hannah Wilson (Sen.)"

"The sacrament of the Lord's Supper was administered and an election held for two ruling elders when John Houston and Wilson Lagow were duly elected. John Houston being already an ordained elder, Wilson Lagow was ordained on the 16th and a charge was given to both the elders and to the congregation.

Signed,

Isaac Reed, *Missionary of B. M. G. A.*"

The little village of Grandview, ten miles southeast of Paris, has a history of idyllic flavor. A foresighted pioneer named John Tate gathered a party in Augusta County, Va., and led them to Illinois, where they arrived in September, 1837.

They came in wagons and by families. In this spot on the Grand Prairie they settled, giving it a name it well deserved. West and north they had as boundary to their view only the horizon. East and south

they looked to great woods. Fertility and beauty combined said to them: "Here shall ye stay!"

The thoughtfulness of these emigrants and their high valuation of religion and education appear when it is known that they brought with them their minister and school teacher, the Rev. John A. Steele, and their doctor, a brother of the clergyman.

Immediately divine service was held after the simple Presbyterian fashion in their houses, but the following year a church building was erected. The congregation was constituted a church in proper ecclesiastical form on the twenty-seventh day of July, 1838.

The record follows:

"GRANDVIEW, *July 27, 1838.*

Notice having been previously given that a Presbyterian church would be organized at this place on this day, immediately after sermon, the Rev. John A. Steele, a missionary of the Board of Missions of the General Assembly, having received certificates or other satisfactory evidence of church membership from the following persons, viz: James Hite, Ann W. Hite, John Tate, Nancy Tate, Robert M. Tate, Susan Tate, Margaret I. Tate, Jacob S. Brown, Ellen B. Brown, Wm. A. Cale, Sarah Cale, John Shultz, Susan Shultz, Catherine Steele, Rachel France, Matthias Snapp, proceeded to organize them into a church. On motion Joseph Brown was chosen secretary of the meeting. On motion it was resolved that four persons be elected ruling elders in this church and the following persons being nominated to that effect, to-wit: James Hite, Wm. A. Cale, John Tate and Joseph Brown were elected. On motion it was resolved that this church be known as the Presbyterian Church of Grandview.

On motion Robert M. Tate was elected treasurer.

Adjourned with prayer.

JOSEPH M. BROWN, *Secretary of the meeting.*"

These, Mr. President, are the names of the early Presbyterians of East Central Illinois and these are the records of meetings that meant much to the organizers of the churches and were influential for good then and to the present day.

"SIXTY YEARS IN CHICAGO."

(By William J. Onahan.)

It is a long, very long look backward to strive to recall the memories and recollections of sixty years; to go back to that earlier and brighter period of life when the future was all before us—with its prospects, its enthusiasms, its visions, and its hopes. And sixty years of Chicago life and experiences now seems like a century! It brings us back to primitive conditions so different in many respects from what we are now accustomed to—not indeed so far back as the early pioneer days of the 1830's when Chicago had its beginning. My recollections go back to 1854—when I first set foot in Chicago.

It was before the days of horse cars, no electric conveyances had then been invented—The Killomobile—was undreamt of. We made our limited trips within the city on foot or by omnibus—these latter made the journey on the south side from the Courthouse to State and Twelfth Streets—over a planked roadway—on the west side to Halsted Street and later to the "Bulls Head"—now Ashland Avenue and on the north side to Chicago Avenue. Pedestrian exercise within the city was in those days a precarious and often a perilous experience owing to the inequality of the sidewalks—scarcely any hundred feet being on the same level. It was up and down—up and down—all the time nor did the street offer an inviting alternative since few if any were paved.

There were no "sky scrapers" in those days—the buildings seldom rose higher than three stories and the third story was usually difficult to rent—there being no elevators to ease the burden of climbing. The population of Chicago when I came was I should say principally from New England and Old Ireland. The German population had begun to arrive, but there were few or no Poles or Italians—and none at all of the various slavic peoples who now form so numerous a part of Chicago's population.

The New England or strictly American citizens mostly engaged in commercial pursuits—these controlled the business interests of the city. My countrymen were engaged in the more laborious and less profitable employments—and of course had already begun to be quite an influence and factor in local politics—almost all being Democrats and naturally ardent and devoted followers of Senator Douglas. Since I am speaking of the Irish element in Chicago allow me to quote and adopt as my own judgment this testimony to their influence and character, which I find opportunely at hand. It is from the pen of James O'Shaughnessy, President of the Irish Fellowship Club.

"The Irish in Chicago's History, by James O'Shaughnessy, former President Irish Fellowship Club. Irish influence in Chicago from the beginning of its continuing history has been large. The first Fort Dearborn was built by an Irish-born soldier of the revolution. The first

man to till a farm and the first white family to which a child was born, as well as the first to teach a school where now Chicago stands, were all Irish. The two heroes of the Fort Dearborn massacre were Irish. The beginning of Chicago proper was made possible by the influence in France of an Irishman who found the money for the Illinois and Michigan Canal. The first man of prominence, influence and ability to proclaim Chicago a future great city was an Irishman. The first great builder of churches, hospitals and institutions of learning that attracted the first large influx of Irish homebuilders was an Irish bishop. Since its corporate existence the percentage of Irish in its population has been very large—and so potent as to exert a marked influence on the commercial spirit, civil pride and social life of the community.

It is chiefly through Irish influence that Chicago has preserved a higher moral tone than any other very large city in history. The Irish have built more churches, hospitals and charitable institutions than all the other nationalities in Chicago, and every one of them is as free to the people of other races as to their own. Leaving out the public schools, the Irish have built more schools than all others in Chicago and the Irish chiefly maintain these schools privately, but hold them open to all.

The Irish are not gregarious—they are not apart in any quarter of the city. They give themselves to all the communities out of the love of common welfare. They deserve well of this city of Chicago. All they ask of it is that they may continue as their generation before them, holding Chicago to its distinctions as the fairest, most just and kindliest —the most democratic of large cities—the most affectionately favored by Divine Providence."

This brings to mind an Irishman who was a well known character in my early days—Doctor William B. Egan. Although by profession a physician he was more given to real estate—than to pills and potions. Once when prescribing for an old lady she asked him "How often am I to take this, Doctor"? The Doctor who at the moment was thinking of his real estate deals absently replied—"Oh—a quarter down. The balance canal time, one, two and three years"—the terms for land deals then much in vogue. I heard another story of Dr. Egan worth telling. The Doctor I should say was a man of fine education, a classical scholar and an attractive public speaker. He had been nominated by the Whig party for the office of Lieutenant Governor—unlike most of his countrymen in Chicago—he was a Whig—of course, he was not elected—But to the story: At the opening of the Illinois and Michigan Canal a grand celebration was planned to be held at the Chicago end, or beginning—at Bridgeport at the time and for long afterwards settled by Irish people —many of whom had been engaged in work on the canal.

For this celebration Dr. Egan was selected as the orator of the occasion. The time was midsummer, and naturally a crowd was expected. The Doctor had taken thought as to the conditions and being largely interested in Bridgeport lots he conceived a plan for unloading a few.

The night before the celebration he sent out a barrel of Bourbon whiskey—which then was very cheap, and had it dumped into a well that had been opened to provide the thirsty and perspiring crowd with liquid solace.

The heat of the day and the crowds quickly drew the people to the well—and there sure enough it was flowing with tempting toddy! This was a revelation and a temptation—and it is said every Irishman in the crowd—hurried to the Doctor's agent who, providently had a real estate shanty nearby in order to secure a lot in the near vicinity of the wonderful well! I don't know anything of the Doctor's speech on the occasion, but I should guess he must have unloaded a good many lots by his ingenious Bourbon ruse. The allusion to the canal brings to mind that Irish labor, as we know, was largely employed in its construction—moreover an Irishman named Ryan did the most difficult and skillful work in the engineering problems incident to the work—and the same Ryan, when the State of Illinois was hard pressed for funds to carry on the canal work was sent to London and there negotiated a loan from the Baring Brothers—Bankers, which enabled the State to tide over its financial difficulties and pay the canal contractors.

It may be of interest here to note that the Irish settlements along the line of the Illinois and Michigan Canal from Joliet to LaSalle—was due in part at least to the hampered condition of the State finances. When the State was unable to pay the canal contractors the alternative of land scrip or land warrants was resorted to. These gave the holders the right to take upland within the limits of the grant given by the U. S. Government in aid of the canal. So it was that Irishmen in large numbers, who as contractors or laborers, were engaged in the work, failing to get cash, took the land scrip and so settled on the land contiguous to the canal, thus making the Irish settlements once well known from Joliet to LaSalle.

To have lived sixty years in Chicago—to have seen it grow from an ambitious sprawling town of sixty or seventy thousand, to a mighty world renowned city of nearly three millions; to have known and been in touch with the men and the great interests that worked for and made possible this marvelous growth and development—would be, I might say subject for a long story. My unambitious aim is merely to recall in these random recollections to recall the public men and other notable personages my opportunities brought me in touch with—who figured in the public life of the city in my time. Perhaps I may be expected to offer in proof of my experience the credentials entitling me to credit. My opportunities I may say were in some respects exceptional.

Of the sixty years I am dealing with more than twenty were employed in the service of the city of Chicago in different stations, which naturally brought me in contact with the public men of the city and its principal citizens.

I was at an early period, 1863, elected by the common council—as the rule then was—a member of the school board—filling the vacancy caused by the death of Walter L. Newberry—My associates on the board at the time—were John Wentworth, Deacon Carpenter, Dr. Foster, Rev. D. Ryder, James W. Sheahan, Redmond Princeville—all of these my seniors in years and in experience and capacity. I was later, in 1869, elected city collector on the ticket with Col. R. B. Mason for mayor and David A. Page, city treasurer.

Ten years afterwards when the same office had been made an appointive one I was appointed by Mayor Harrison and held it four or five times in succession—subsequently I held the office of comptroller under Mayor Cregier. I had already served three years as a member of the public library board, one year as president. My latest public service was on the first jury commission of which I was likewise president—I mention these facts regarding my public service not assuredly from vanity or ostentation but merely to emphasize my opportunities for acquiring the knowledge of men and affairs. It will be seen by this list of positions how much I owe to Chicago and its people.

I was early trusted with positions of dignity and responsibility. I am proud to have enjoyed the confidence of the people—and I shall ever feel grateful for this high trust given to me in early and later years. The conspicuous figures in Illinois politics in my early days were Senators Douglas and Shields. The latter who had such a memorable public career was then passing out of Illinois—as he had failed of re-election to the U. S. Senate—and moved to Minnesota where he gathered an Irish Colony. He was chosen one of the first U. S. Senators from Minnesota, and later in life (—he was a great rover—) he was appointed to fill a vacancy, U. S. Senator from Missouri—so that Shields had the unique distinction of having been U. S. Senator for three states. For his services to Illinois, and to the nation in the Mexican War and the Rebellion, deservedly has Illinois placed his statue in the National Memorial Hall, Washington. I came to know General Shields in the later years of his eventful life and I frequently heard from him at my own fireside, stories of his war experience in Mexico and in the Civil War. He was said to be the only Federal General who "whipped Stonewall Jackson"—although I fancy it was rather that it suited Jackson's plans to abandon the field to his opponent.

Senator Douglas had become the idol of the Illinois Democracy. I heard him speaking from the balcony of the Tremont House in one of his most famous speeches, which resulted in the nomination of Lincoln for the Presidency—though Douglas won in the issue then in question, the U. S. Senatorship for Illinois.

I would not be an impartial witness—even now of the merits of the discussion in the famous debates. I was then a young Douglas enthusiast, and had little or no esteem for his rival. I marched in the funeral procession of Senator Douglas from Bryan Hall where he had been carried from the Tremont House (where he died) to the site of the present Douglas monument, where his remains were laid. Bishop Duggan, the Catholic bishop of Chicago, delivered the oration at the grave, the Senator having been received into the church in his last days.

I remember seeing Lincoln in Springfield some years before his election to the Presidency—the next time was when his body lay in state in Chicago on its way to the State Capitol where it now rests.

The men most in the public eye in early days in Chicago were John Wentworth and J. T. Scammon. Wentworth or "Long John" as we called him—because of his extraordinary stature had been member of Congress and was later on elected mayor. Between "Long John" and Scammon there was an everlasting feud. Long John's paper ('The

Democrat') named misnomer at the time—since it was "Free Soil" and Republican in politics——the paper constantly abused Scammon. This controversy—which was wholly one-sided grew out of some financial affairs of the school board—the details I have forgotten.

The most notable incidents of Wentworth's mayoralty were his reception of the Prince of Wales afterwards King Edward VII, and presenting the Prince to the eager crowds—assembled in front of the Richmond House.

The other incident was clearing out "The Patch," as it was called—a nest of shanties that squatters, mostly Irish—had put up on the north shore sands—then regarded as "No man's land" which had long been regarded as an eyesore. The occupants had been inveigled by the allurement of a pic-nic—some distance away—so taking advantage of their absence a police squad with assistants pulled down all the shanties and made a clearance of the unwelcome squatters.

Curiously that once forbidding squatter settlement, the North Shore Drive—is now the swellest and most aristocratic part of Chicago. In referring to the early citizens of Chicago who planned for the greater Chicago to come I should not omit to name the foremost of these—its first mayor and while he lived here its most honored citizen—William B. Ogden.

There were many others of those early days who were active and energetic in pushing Chicago to the front: The McCaggs, the Newberry's the Kinzies's, Blatchford, Hubbard—but the list is too numerous for mention here. All these and more will be found in J. Seymour Currey's invaluable and exhaustive History of Chicago—in five volumes.

My earliest familiarity with art, I may say, was acquired in my visits in early years to Geo. P. A. Healy's gallery, then on Lake Street, where was exhibited several of his most celebrated pictures including the Presentation or Reception of Franklin at the Court of Louis XVI. He had a liberal patron in Thomas B. Bryan—and in my boyhood friend Bishop Duggan.

Many of Mr. Healy's pictures are in Chicago. Several in the Newberry Library. I must mention a great physician whose name and memory deserves to be held in high honor in Chicago—Doctor N. S. Davis. During his day he was the acknowledged head of his profession—but he will be remembered longer and better by his shining charity, his consideration for the afflicted poor, and by his indifference to "fees."

One of my earliest and closest friends shortly after I came to Chicago was *James A. Mulligan* who became later a Civil War hero and victim. We were in societies and clubs together. He was a fascinating personality, commanding in stature, most attractive in manner—and a brilliant public speaker as well as an interesting writer. He was one of the first graduates of the old time Catholic University St. Marys of the Lake—which I may remark was the first University in Chicago.

Colonel Mulligan will be remembered for his gallant defense of Lexington in the early stages of the Civil War. He was in command for a time of Camp Douglas wherever so many—thousand Confederates were held there. When disaster overwhelmed his command in battle in West Virginia and he was shot down from his horse—seeing the standard

bearer of the regiment—the Irish Brigade—shot and the colors in danger of falling into the hands of the enemy—as his men were trying to lift him from the ground—he pointed to the fallen standard—and exclaimed "Lay me down and save the flag"!

I have a touching and characteristic incident to relate of his last hours.

He had been carried by the Confederates to a farm house near the scene of the battle and Federal defeat. The Colonel was shot in several places and was suffering great agony from his wounds—The woman of the house realizing his distress came to the bed on which he lay, with a bottle and a glass. The bottle contained either whiskey or brandy. She poured out a glass full and offered it to the suffering soldier—"Take this," she said "it will allay your pain." He looked at the glass asking "What is it Madam"? "Brandy or whiskey (I forget now which was told me) she replied.

He shook his head, waved the glass away. "No," he said, "I never took any in all my life and now that I am about to die I shall not break my pledge"!

And this was the end of the gallant and chivalric James A. Mulligan.

I am glad to mention that in his last hours he had the happiness and grace of receiving the last sacraments from a Confederate Chaplain of a Louisiana regiment who was fortunately within reach—and who administered the last rites of the church. I need not tell of the anguish of the devoted wife who followed him after the battle—and arrived only to find her idolized husband lying dead before her when she entered the house.

This war period was eventful for Chicago. It served to lift it up above and beyond the rivalry of our western competitors—St. Louis and Cincinnati. These two cities had the advantage before the war in wealth, solidity and assured position.

St. Louis especially regarded herself as the head centre of Western and Southern trade. Chicago's efforts to break in were laughed at by our powerful rival—but even before the breaking out of the war Chicago was making great inroads on the ascendancy of St. Louis. But the war ended the rivalry. St. Louis and Cincinnati were both in the danger zone. The former notoriously Southern in leaning and sympathies. Trade naturally then was diverted to Chicago, which received an enormous impetus in consequence.

As well known many of the great fortunes of our then business men grew out of the war conditions. Potter Palmer, The Farwells, the Field and Leiter concern and many others made big fortunes in the traffic and business brought to Chicago at the time. The ascendancy then acquired has never been wrested from Chicago—even what seemed the overwhelming disaster of the great fire did not disturb that supremacy. Of course I could relate many stories of that eventful fire—but I am admonished that my narrative grows dangerously long—so I must skip that event. The business men who gave to Chicago the ascendancy to which I have made allusion include of course the well known names of Potter Palmer, Marshall Field, Philip D. Armour, the Spragues, the Farwells.

Then too the wonderful and unexampled spread of our railway systems, extending into far distant states, north, south, east, and west. It seems impossible to realize how these surprising achievements in railroad building was accomplished—but we had at the head of our railroads men of large ideas, of the highest capacity—whom no difficulties or dangers could daunt. We had too, a powerful and influential press to second and support every scheme and plan for the advancement of Chicago and its trade interests.

The pioneer Chicago Tribune of early days was edited by an Irishman, Edward T. Ryan—who later became Chief Justice of the Supreme Court of Wisconsin—a man of power and capacity. A subsequent Editor of the Tribune was Charles H. Ray, who had no love for Irishmen as his Editorials occasionally demonstrated.

Under Scripps, Bross and Spears the Tribune widened in power and influence and with Medill at the helm it became an increasing factor in National politics. The paper did much towards securing the nomination of Lincoln. The Times originally started by Senator Douglas had for its first editor James W. Sheahan, who to the end of his life bore an honorable renown as journalist and citizen. When Wilbur F. Storey came into control of the paper he notably changed the character of the paper—and sensationalism first made its appearance in its columns. It was nominally Democratic, and during the Civil War was not notably "loyal"—indeed it will be remembered that a Federal general—Burnside —made an attempt to suppress it by military authority, but he was overruled at Washington.

The famous editor of the New York Sun, Charles A. Dana, was for a time in the editorial harness in Chicago as manager of the Inter-Ocean—but the conditions or the atmosphere proved uncongenial, and he returned to New York—to win renown by his brilliant editorship of the Sun. The cleverest and most versatile writer on the Chicago press in my judgment and that of others was a woman—Margaret Sullivan. Her editorial work was scarcely equalled then or since by any writer on the Chicago daily press. Since I have mentioned the name woman—I must recall that of another woman who was also a power—a great power, though in a different sphere Frances E. Willard. First at the head of the Women's College of the Northwestern University, Evanston, she won her most enduring renown as the organizer and chief of the Women's Christian Temperance Union. Miss Willard possessed a wonderful gift as an organizer, and she had great power as an orator over public audiences. I remember her well and had a most pleasant intimacy with her during several years—due to my sympathy with her efforts and zeal in the cause of temperance.

One of the best known public men in Chicago before and after the Civil War was Dan O'Hara. He long held the position of clerk of the Recorders Court—as it was then known—and towards the end of his life was elected city treasurer. He was universally popular—an efficient public officer, he was obliging to everybody and became an important political factor in local and State politics.

Another man of this type was John Comiskey—father of the famous baseball leader who has achieved so great renown in that line—Comiskey

was for long alderman of one of the west side wards, and was quite a power in local politics. He had an unblemished record, I am glad to testify during his aldermanic career.

Another one time democratic leader was B. G. Canfield. He aspired to no office until near the end of his life when he was tempted to run for Congress. He did so—was elected and acquitted himself creditably—unhappily he became involved financially was obliged to leave Chicago—and sad to say died I may say in poverty in Dakota.

The most interesting and picturesque figure in our public life for many years—was the well known Carter Harrison. Originally devoted to real estate he first came into public notice as county commissioner—later as member of Congress and finally many times mayor—when he met his tragic death—at the hands of an assassin. Probably no public man in Chicago attained to greater renown and popularity. He knew how to be all things to all men and women and he acquired after he entered on his political career a readiness and versatility in public speaking—which surprised himself—as he once told me.

I recall another man of a different type who was not in public life, but came prominently before the world as chairman of the different Congresses held during the World's Fair. As I had an official part in one of these—the Catholic Congress, I was often in opportunity with Mr. Charles C. Bonney. These Congresses were almost innumerable. They covered and included the widest range of subjects—religious, educational, scientific, social, pathological, civic—industrial—in fact it is bewildering to try to recall the number and variety. At each of these it was Mr. Bonney's task or duty to make the opening address. To accomplish this fittingly, to make each speech fit the occasion and the character and purpose of each Congress certainly demanded great readiness and versatility—and these qualities Mr. Bonney exhibited in a remarkable degree—so as to be the wonder and admiration of all. It was an important duty and I am glad to pay this tribute to his talent and character. I must say a word regarding Tim Brenan with whom I was associated through many years in congenial work of duty and charity. He was the ideal of a perfect, pure minded, and charitable man.

There is another man once and for long a power in Chicago of whom I cannot forbear to speak, John R. Walsh. From a poor boy he succeeded by his industry and unflagging perseverance to attain to a position of wealth and influence. His life through the long struggle was without blemish, he had no bad habits, and he was held in highest repute by all. He became the head of three leading financial institutions, he controlled an important daily paper, and by his acuteness he was regarded as a power in all local affairs.

Unhappily towards the end, he aimed at being a railroad magnate—undertook to build unaided a road from Terre Haute to Chicago, became involved thereby, imprudently used his banks to carry the securities of the unfinished railroad, violated in so doing the Federal Banking Laws—his banking institutions were closed and he himself made to suffer the consequences of violating the law.

It was a sad and pitiful ending of a notable career for which I have not ceased to lament. John R. Walsh was boundless in his charities. No

church, no institution, no person in need appealed to him in vain. He gave generously and freely—as I can testify.

He did not long survive his misfortune—which beyond doubt hastened his death.

It should be remembered too that no depositor in his banks suffered any loss—all were paid in full—the directors having pledged their private fortunes to this end. Walsh's contribution to this being in excess of a million dollars.

The men through whose foresight and business enterprise Chicago achieved its present position and world renown, would include a long list of names. Amongst the foremost of these I name Marshall Field, Philip D. Armour, Potter Palmer. I knew them all. On his last return trip from Europe I met Marshall Field on the steamer—it was the ill fated "Lusitania." One day in conversation with him I remarked that I frequently met him mornings in town going to his wholesale house—and I added that I supposed he no longer paid much attention to his great retail establishment. "On the contrary," he replied. "When you have seen me making for the wholesale house I have already gone through every department of the retail—which I visit daily." This is an example of his order and method.

With Mr. Armour I long had a pleasant and familiar acquaintance. I recall a curious little episode of our intercourse. Meeting me one day at a street corner he stopped to speak to me of some passing events and then, much to my surprise he said to me, "What's this we hear about the Pope leaving Rome?" The question was naturally a surprise to me as I fancied Mr. Armour would be about the last man to be interested in the movements or affairs of the Holy Father. This was at a time when Rome was threatened by the Piedmontese invasion, and there was consequently talk of the Pope seeking a refuse and asylum out of Rome. I answered Mr. Armour's inquiry, as far as I remember, suggesting that Malta, Austria or Spain, might offer him an asylum. "Why don't you get him to come to Chicago," he asked—at which I know I burst out laughing. "What are you laughing at," he said, "The Pope has to go somewhere—why not to Chicago"? I answered, "I am afraid Mr. Armour that you do not realize the Pope's condition and responsibilities. The Pope means a government of 250 millions scattered all over the world—over whom he watches spiritually. This requires quite an army of subordinate ministers, functionaries and clerks to carry on the world work; and he has in Rome his Vatican Palace with innumerable departments and he has the renowned Cathedral at St. Peter's, etc."

Mr. Armour listened patiently to my harangue on the necessities of the Pope—and then proposed another conundrum to me—"How much would it take to provide all these buildings?" I did not know—could not guess. Would it take ten millions—twenty millions?

Look here, he added, you undertake this affair. You know how to manage these things. You get the Pope to agree to come to Chicago. We can arrange and provide everything suitable for his needs. "Why how on earth could you do these things," I asked in bewilderment. "I'll tell you my idea," he said. "We will get a big tract of land outside Chicago—ten or twenty thousand acres—we will build necessary offices, a palace, a

great Cathedral, whatever may be necessary. Half that land set apart and turned over to the Pope—don't you see that we will make enough out of the other half to pay for the whole business."

I was dumfounded at the audacity of the idea, the ingenuity and method of carrying it out—and the characteristic Chicago aim—"There's money in it." When, many years afterwards I saw the wonderful "White City"—the World's Fair—its marvelous architectural beauty, the vastness and symmetry of its buildings, the beauty of all the arrangements, I said to myself, Chicago could indeed, if put to it, build a new Eternal City.

I am fully conscious how imperfect and perhaps inconsequential these random recollections must seem to those who give me honor of their attention. The throng of personages I have known in my time, the incidents and episodes of my life during the past sixty years would naturally furnish material for a good sized volume.

To compress sixty years of Chicago life in a sixty-minute speech, I may as well confess is a difficult if not impossible task.

How many names and memories are recalled to me as I pen these lines that deserved at least mention—I have omitted.

In looking back over that long vista of years how can I fail to remember or forget the loyal friends of my youth who stood by me—and the throng of friends in later years who gave me their confidence and support.

The early friends are gone—few if any are left of my youthful days. I cherish their memory in my heart of hearts—in this at least I am faithful—I do not forget my old time friends and companions.

In the surging multitude that throng our streets daily how rare it is to see a person one knows. There was a time I knew almost everybody—and now to think I should pass so many, who as Mark Twain said, have not the honor of my acquaintance.

But such is life—especially after an experience as extended as mine has been. Sixty years in Chicago full of memories, some bright—some sad and painful. But in joy or sorrow I could not but be proud of Chicago—proud of its position and rank, proud of its public spirit, and of its freedom from all sectarian bitterness and proud of the large hearted generosity of its people shown on so many notable occasions—from the time of the frightful famine in Ireland to the latest appeals in behalf of desolated Belgium and suffering Poland.

SLAVERY OR INVOLUNTARY SERVITUDE IN ILLINOIS PRIOR TO AND AFTER ITS ADMISSION AS A STATE.

(By O. W. Aldrich.)

As slavery, in the territory now embraced in the State of Illinois, depended upon conditions prior in time to its separate existence as a political division, it will be necessary to consider these conditions, the documentary provisions upon which its existence in the State was based, and as a preliminary to this examination, it will be proper to consider the origin of the institution in the territory from which the State was formed.

Slaves were imported into that part of the country, which afterward became the Northwest Territory, from two sources, both from French provinces.

The first introduction of Africans into the Illinois Territory was in 1720, by Renault, agent and manager of The Company of St. Phillipe, who brought a colony from France and purchased five hundred slaves at St. Domingo, which he sold to the colonists before his return to France in 1744.

In 1615 an edict of Louis XIII of France first recognized slavery in the French provinces in America, and settlers from Canada in these regions, brought with them the French laws and customs, and among them were those which recognized slavery, and in 1724 Louis XV published an ordinance which re-enacted the edict of Louis XIII, for the regulation of the government and administration of justice, policies, discipline and traffic in negro slaves in the province of Louisiana, of which Illinois was then a part. This included the provision of the civil law that if one of the parents were free, the offspring should follow the condition of the mother, and prohibited the sale separately of husband, wife, or minor children either by contract or execution.

By the treaty of peace between England and France in 1763 this territory, as a dependency of Canada, was ceded to Great Britain, and when General Gage took possession he issued a proclamation in 1764, to the late subjects of France, that those who chose to retain their lands and become British subjects, should enjoy the same rights and privileges, the same security for their persons and effects, and liberty of trade, as the old subjects of the king.

At this time slavery was recognized in all the American colonies, and this proclamation extended the colonial laws and customs to the inhabitants of Canada and her dependencies, and of course recognized slavery as legal.

When George Rogers Clark, by his expedition made the conquest of the territory, as soon as the news was received, the Virginia House of Burgesses declared the whole of the Northwest Territory a part of her

chartered territory, provided by an act to erect it into a county, and extend her laws and jurisdiction to it. The preamble of the act recited that, "The inhabitants had acknowledged themselves citizens of the commonwealth of Virginia, and taken an oath of fidelity to the state," and it was declared that they should enjoy their own religion, with all their civil rights and property.

The treaty of peace with England in 1783 ceded the whole of this country to the United States and in 1784, Virginia ceded the territory to the United States.

This deed of cession from Virginia contained a stipulation, "That the French and Canadian inhabitants, and other settlers of Kaskaskias, St. Vincents and the neighboring villages, who have professed themselves citizens of the state of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties."

These provisions cover substantially all classes of persons but one, which was that of the older inhabitants, who had not claimed citizenship of Virginia, who were not protected.

But by treaty made between Great Britain in 1794 commonly called the "Jay Treaty" under which the British finally evacuated the west, the rights of the ancient inhabitants who had not claimed citizenship of Virginia, were protected, and one year was given them to accept American citizenship. This also embraced the inhabitants of the north part of the Northwest Territory which was not conquered by Clark.

In 1784 the first ordinance for the government of the Territory was passed. As originally drawn there was an article of compact providing, "That after the year 1800, there shall be neither slavery or involuntary servitude in any of the said states, (those provided for in the ordinance) otherwise than in punishment of crime, whereof the party shall have been convicted to have been personally guilty." Under the rules of Congress the affirmative vote of seven states was required to carry any measure. A motion having been made by a delegate from a southern state, to strike out the provision, the votes of six northern states were opposed to the motion. As each state had but one vote, and two delegates, one of the delegates from New Jersey being absent, that state had no vote, and the motion prevailed and the provision was stricken out.

The measure was drafted by Mr. Jefferson, and he was greatly chagrined at the striking out of the slavery clause. Two years later, he wrote, "The voice of a single individual would have prevented this abominable crime from spreading itself over the new country. Thus we see the fate of millions unborn hanging on the tongue of one man, and Heaven was silent in that awful moment, but it is to be hoped that it will not always be silent; and that the friends to the rights of human nature will in the end prevail."

From this language it will be seen that Mr. Jefferson did not consider the language of the Declaration of Independence, a string of glittering generalities, but that he intended to express a self evident truth, when he said that all men were endowed with certain inalienable rights of life, liberty and the pursuit of happiness, and that he did not exclude the slaves then in servitude.

On the 27th day of October, the Ordinance of 1787 was passed without one dissenting vote. At first blush it would seem that the terms of this ordinance were prohibitory and prevented slavery in this territory.

The sixth article provides plainly that, "There shall be neither slavery nor involuntary servitude in such territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted," with a provision for the reclamation of persons, from whom labor or service was lawfully claimed in any of the original states, who had escaped from their masters.

Standing alone this was sufficient to prohibit slavery in the territory, if Congress had the authority to enact it under the circumstances, and these circumstances were recognized in other portions of the instrument.

This is seen in the suffrage clause which restricts suffrage to free male inhabitants, and in estimating the population it was restricted to free inhabitants, and in the provisions for the conveyance of property, the act of Virginia, preserving the civil rights of the inhabitants who recognized the authority of the state to their rights and property was substantially copied, thus recognizing the rights of that class of inhabitants to hold their slaves.

Taking these matters into consideration, there seems to be no doubt that the rights of the masters to their slaves was recognized by all classes, so long as the territory remained undivided, and in the different divisions until they become states.

There seems to be no decision upon this matter so long as the territory remained together, but there was one case at Vincennes in the summer of 1794, where a negro and his wife applied for a writ of *habeas corpus* to test their right to freedom, but before it was reached for trial, the colored people were kidnapped and carried away.

The first cases in any of the territories after their separation, were some *habeas corpus* cases in the Territory of Michigan, after its separation from Indiana.

As this territory had remained in the possession of the British forces until 1796, the court held that slavery existed as preserved by Jay's Treaty, in favor of British masters who held their slaves in the territory in the actual occupancy of the British troops on June 16, 1796, but that every other man coming into the territory, was a freeman, unless he was a fugitive escaping from service from a master in some American state, or territory, in which case he must be restored.

This same view was taken in 1845 by the Supreme Court of Missouri, when a Negro claimed that his mother had been freed, by a residence of four years in Macinac and Prairie du Chien, from 1791 to 1795, when she was taken to Missouri and sold. Plaintiff was born after his mother had been taken to Missouri. The court held that residence in that part of the Northwest Territory not embraced in the Virginia conquest, before the British evacuation, did not free a slave.

Chouteau v. *Peirre*, 9 Mo., p. 3.

I have found no cases holding the contrary doctrine.

The sixth article of the ordinance, which prohibited slavery, aside from the excepted cases, did not give unqualified satisfaction to the inhabitants of the territory.

In 1796, four residents of Kaskaskia filed a petition asking Congress to suspend the operation of this restriction in the ordinance.

In 1802, a convention was called by General Harrison, the Governor, and a memorial was sent to Congress asking for a suspension of the sixth section of the ordinance. In 1803, Mr. Randolph, chairman of the special committee, reported against the adoption of the prayer of the memorial, but the matter came up at each of the next three sessions, and was favorably reported but not acted upon, and in 1807, a remonstrance was filed. The matter was referred to a committee which reported unfavorably, which ended the matter.

INDENTURED AND REGISTERED SERVANTS.

The friends of slavery, however, were not satisfied, and after the admission of Ohio as a state in 1802, an act of the territorial legislature of Indiana, including Illinois, which had probably been adopted a year or two before, was re-adopted, and reported as bearing date of September, which was intended to materially avoid the prohibition of the Ordinance of 1787.

The first section of the act provided that, "It shall be lawful for any person, being the owner of any negroes or mulattoes of and above the age of fifteen years, and owing service and labor as slaves in any of the states or territories of the United States, or for any citizen of the United States purchasing the same, to bring the said negroes or mulattoes into this territory."

The second section provides "That within thirty days after bringing the slaves into the territory, the owner or master should take them before the clerk of the court, and have an indenture between the slave and his owner entered upon record, specifying the time which the slave was compelled to serve the master." (The term was usually fixed at ninety-nine years.)

Section three provided that if the slave refused to consent to the indenture, the master should have the right within sixty days, to remove the slave to any state or territory where such property could be legally held.

Section four, gave the right to punish the slave with stripes for laziness, misbehavior, or disorderly conduct.

Section five provided that any person removing into this territory, and being the owner of any negro or mulatto under the age of fifteen years, it should be lawful for such person, owner or possessor to register the same and to hold the said negro or mulatto to service or labor, the males until they arrive at the age of thirty-five and the females until the age of thirty-two years.

Section thirteen, provided that children born in the territory, of a person of color, owing service of labor by indenture, according to law, shall serve the master or mistress, the males until the age of thirty, and females until the age of twenty-eight years.

There were provisions in the act for the sale of servants by the assignment of the indenture, thus making them virtually slaves, under the name of "indentured servants."

In 1812, at the first session of the Legislature of Illinois, the act which had been adopted by the Governor and judges of the whole territory, was re-enacted as the law of Illinois, though repealed in Indiana in 1810. There seems to be no question that this act was void, as repugnant to the sixth section of the Ordinance of 1787, which was the fundamental constitution of this territory.

I find no reference to any decisions as to the validity of the Ordinance in the territorial courts, but some time after the admission of the State, it was decided that the act was void, and that the validity of such contracts was based upon the Constitution of 1818.

At the session of the Legislature of Illinois in 1817, a bill was passed by both Houses to repeal so much of the act as authorized the bringing of negroes and mulattoes into the State, and indenturing them as slaves. The Governor vetoed the bill, giving as his reason, that there was no such law in Illinois as the act of 1807, as it was a law of Indiana, which was technically true, although re-enacted in Illinois. The Governor was himself the owner of a number of indentured servants.

SLAVERY UNDER THE CONSTITUTION.

The state of Ohio was the first state admitted into the Union from the Northwest Territory. As this was in 1802, the act of 1807 of the Territory of Indiana, was never in force in that state.

As the settlement of the state was not made until about the time of the passage of the Ordinance of 1787, there was nothing in the terms of the Ordinance, which would affect that part of the Northwest Territory, in contravention to the terms of the prohibitory sixth section of the Ordinance, so that the Constitution of 1802, which absolutely prohibited slavery and involuntary servitude, except for crime, and made void indentures of persons unless made in a state of freedom, and also provided that indentures thereafter made, either outside the state or in the state for more than one year, should be of no validity except in cases of apprenticeships, is the only document governing that state.

I have never seen any statement in any historical work that slavery ever existed in the territory or state of Ohio, but in the life of John Brown by Elbert Hubbard, it is stated that slavery existed in the state in 1811, but this work can hardly be recognized as historical.

The Constitution of Indiana adopted in 1816, is the next in order, and provided that "There shall be neither slavery nor involuntary servitude in this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted, nor shall any indenture of any negro or mulatto hereafter made and executed out of the bounds of the state, be of any validity within the State."

The committee has adopted additional matters against indentures similar to those in the Ohio Constitution, but the anti-slavery delegates who had always contended that the act of 1807 was unconstitutional, objected to anything which might concede its validity and those provisions were stricken out.

The adoption of the constitution did not result in the immediate abolition of slavery and involuntary servitude, as in 1840 the census credits Indiana with three female slaves.

That this condition prevailed, on account of the ignorance of many of the slaves, may be seen from the case of State v. Lasselle, 1 Blackford, 60, which was a *habeas corpus* case decided by the Supreme Court in 1820. The defendant answered that Polly, the name of the woman on whose behalf the case was brought, was his slave by purchase, the issue of a woman bought of the Indians prior to the Treaty of Greenville. The lower court decided in favor of the defendant. In the Supreme Court, it was argued for the defendant, that the Ordinance of 1787 did not prohibit the slavery which existed at its adoption, but that it expressly preserved it, and that the property granted by it, could not be divested by the Constitution.

The court held, that the Virginia deed of session and the ordinance were immaterial, that the question must be decided by the provisions of the Constitution.

They held that it was within the legitimate powers of the convention in framing the Constitution, to prohibit the existence of slavery in that State, and that they could conceive of no form of words in which the intention to do so could have been more clearly expressed, and it was accordingly held that Polly was free.

The framers of the first Constitution of Illinois, certainly did not use language to express a present intent to abolish slavery, and it is the opinion of some writers that it was only because of the requirement of the Enabling Act of Congress, that the convention enacted Section 1 of Article VI: "Neither slavery nor involuntary servitude shall hereafter be introduced into this State."

It not only failed to prohibit slavery as it then existed, but made legal the indentures which had been illegal before that date, because of the void act of 1807 re-enacted in Illinois in 1812, by the third section of the same article, of the Constitution which provides that:

"Each and every person who has been bound to service by contract or indenture, in virtue of the laws of Illinois Territory, heretofore existing, and in conformity to the provisions of the same, without fraud or collusion, shall be held to a specific performance of their contract or indentures, and such negroes and mulattoes as have been registered in conformity with the aforesaid laws, shall serve out the time appointed by said laws; provided, however, that the children hereafter born of such persons, negroes or mulattoes, shall become free, the males at the age of twenty-one years, the females at the age of eighteen years.

In the case of Phoebe v. Jarrot, Breese, 268, the court held that the act of September 17, 1807, was void, as being repugnant to the sixth article of the Ordinance of 1787, but that the contracts of indenture were rendered valid by the third section of Article Sixth of the Constitution, and that the adoption of the Constitution and the admission of the State into the Union under it, abrogated so much of the Ordinance of 1787 as was in conflict with it."

As this provision of the Constitution was the only ground for keeping persons legally free, in bondage, it could not have been enforced under that portion of Section 1 of the fourteenth Amendment to the Constitution of the Federal Constitution; that no state should deprive any person of life, liberty, or property without due process of law, but

as there was in 1818 no such provision, it had the effect of keeping slavery in the State until the adoption of the Constitution of 1848.

A number of questions as to the rights of persons from, and in the State, have been presented to the courts of the State, and some decisions have been made by the courts of other states. Among those questions decided at rather an early date, was that in Illinois the presumption of law is in favor of the freedom of any person.

Bailey v. *Cromwell,* 3 Scam., 71.

and that the *onus probandi* is on the one who claims that any person is a slave or a registered servant.

Kinney v. *Cook,* 3 Scam., 232.

This holding was different from that of the courts of Missouri, and other slave states in cases of colored persons.

A construction of the third section of Article VI of the Constitution was given in Choisser v. Hargrave, 1st Scam., page 17, which held that this act of 1807 only applied to persons registered, in conformity to the provisions of the laws governing the registration, which required that it be done within thirty days from the entrance into the State, and it being shown that the registration was not made until eighteen months after the party was brought into the State, it was held he was entitled to his freedom.

ATTEMPT TO AMEND THE CONSTITUTION TO ALLOW SLAVERY.

At the time of the admission of the State it is probable that the proportion of voters in favor of unlimited slavery was greater than those of the opponents, and that the convention only adopted the Sixth Article, because of the opinion, that an attempt to make a slave State, was likely to defeat the admission into the Union on account of the sixth article of the Ordinance of 1787. The animus of the majority is shown by the enactment of what are known as the Black Laws, and the laws against kidnapping free negroes and mulattoes in which the only penalty provided was a civil action on behalf of the kidnapped person, who would have been carried out of the State and could not enforce it.

In the election of 1822 which largely depended upon this question, the aggregate vote of the two candidates of anti-slavery principles, was but 3,330, while that of those in favor of slavery were 5,303, nearly 2,000 greater, but the election being by a plurality vote, the leading anti-slavery candidate for Governor received the greater number of votes, while the Legislature had nearly two-thirds in each House, of the pro-slavery party, which also elected the Lieutenant Governor. During the first half of his term, the Governor and Legislature clashed over these matters. The Governor recommended a revision of the Black Laws, and the enactment of adequate penalties for repression of the crime of kidnapping which had become frequent.

This immediately precipitated a struggle to amend the Constitution, and a committee to whom the matter was referred reported and recommended the adoption of a resolution to submit the question of the call of a convention to amend the constitution, at the next election for the election of members of the General Assembly.

As this required the affirmation vote of two-thirds of each body, there was a lack of one vote in the House. In a contested election case, the sitting member had been held to be entitled to his seat, but when he refused to vote for the resolution, a motion to reconsider the vote was carried, and the contestant was seated, which gave the required two-thirds vote in that body, and the vote of the Senate was sufficient, so the resolution was adopted. For eighteen months the contest was carried on with great violence in the State, but at the election in 1824, the resolution was defeated by a majority of nearly 1800.

In the Constitution of 1848, slavery and involuntary servitude, except as a punishment for crime, was prohibited, but the Black Laws prohibiting the immigration of persons of color into the State was carried by nearly a two-thirds vote, and another section was adopted requiring the Legislature at the next session to pass laws which should prevent free persons of color from coming into the State for residence, and prevent parties from bringing them into the State for the purpose of freeing them. Pursuant to this provision, the Legislature in 1855 passed an act making it a high misdemeanor for a colored person to come into the State for the purpose of residence, and remain for ten days, with a penalty of a fine of $50 and if the fine was unpaid, the party might be sold to the person who would agree to take him for the shortest period for that sum, and costs. In a case decided in 1864, the Supreme Court held the law to be valid, because as the sale was but for a limited period, it was only in the nature of an apprenticeship, and that the State had the power to define offenses, and the exercise of such power could not be inquired into by the court.

Nelson v. *People,* 33 Ill., 390.

These Black Laws were continued with slight modifications until 1865 when they were repealed by the act of February 7.

A number of decisions concerning the rights of persons claimed to be slaves, have been decided by the courts of this State, and the courts of other states, growing out of the laws of this State and of the other states in the territory.

No case has been found in the Supreme Court of this State as to the status of children of slaves of the old French settlers until that of Jarrot v. Jarrot, 2 Gilman, 1, decided by the Supreme Court at December term, 1845.

Plaintiff was the grandson of a woman who was proven to have been a slave at Cahokia in 1783, and son of her daughter born in 1794, who was kept in slavery by the father of defendant, who bequeathed her to defendant in February, 1818, and plaintiff, who was then about twenty-five or twenty-six years old, was born after his mother was bequeathed to defendant. The lower court found for the defendant, but the Supreme Court reversed the judgment, and as the exact date of the birth of the plaintiff did not appear, but as it was so near the adoption of the Constitution, that it might have been before that date, the court decided that the children of a slave of a French master born after adoption of the Ordinance of 1787, whether before or after the adoption of the Constitution, were free. The court cited a number of cases from other states, but the only one exactly in point was Merry v. Tiffin,

1 Mo., 725, where the mother of plaintiff who had been held as a slave in Virginia, had been taken into Illinois before the Ordinance of 1787. The plaintiff was born after the ordinance was passed, and it was held that he was free.

The court held that the provisions of the deed of session of Virginia were satisfied by securing to the masters the rights they then had, without including things not in existence, and there was nothing in that cession which forbade Congress to fix a limit to things which might afterward be the subject of property.

The same question came up later in the same state in a case by Aspasia, a colored woman born in Illinois after the Ordinance of 1787, and the court upheld the former doctrine. The case was taken to the Supreme Court of the United States, which held that the right to hold a child born after the ordinance, as a slave *was not given by the ordinance,* and that the court had no jurisdiction in the matter.

Menard v. *Aspasia,* 5 Peters, 504.

In 1830 the same question was decided in the same way by the Supreme Court of Louisiana.

Merry v. *Chlœnaider,* 26 Martin, 699.

That the constitution of a state may prohibit slavery, notwithstanding the provisions of the exceptions to Article VI in the Ordinance of 1787, was held by the Supreme Court of Indiana in State v. LaSalle, 1 Blackford, 60.

This view is also announced by the Supreme Court of Mississippi, in the case of Harvey v. Decker, et al., Walker 36.

The effect of bringing slaves into this state for the purpose of residence and of hiring them out, has been decided by the courts of several states, as well as of this state. In the case of Willard v. People, 4 Scam., 461, it was held that passing through the state with his master did not free a slave. The first outside case I have found is Winning v. Whitesides, 1 Mo., 472, where the plaintiff had been taken into Illinois from North Carolina about 1797, where she had been kept in slavery for three or four years and then taken into Missouri, where she had remained in slavery for nearly twenty years. The court held that her residence in Illinois gave her freedom and that the masters right did not revive when taken to a state where slavery was permitted, if she failed to claim her right in the free state. This doctrine was upheld by the Supreme Court of Virginia, when a slave girl was sold to an Ohio resident, and delivered to the agent in Ohio, but the bill of sale was made to defendant who knew of the transaction. The girl remained in Ohio for two years when she returned to Virginia and was taken possession of by defendant. It was held that she became free.

Fanny v. *Griffith,* Gilmer 143.

The Supreme Court of Missouri recognized the same doctrine in seven other cases, but later, in 1853, when there was a hostile feeling in the slave states by reason of the greater activities of the abolitionists in the free states, it overruled all the foregoing cases arrogating to itself the powers of a legislature, in Scott v. Emerson, 15 Mo., 576, and Sylvia v. Kirby, 17 Mo., 439. For the same reason, the legislature of Louisiana

in 1848, changed the law in that state, by the passage of an act providing that residence in a free state should not free a slave who returns to that state.

In Kentucky it was held that an infant domiciled in Ohio for six months became free, and that a return to Kentucky while still a minor, did not prejudice his claim.

Henry v. *Evans,* 2 Duvol, 259,

but it was held that sending a slave girl twice with his daughter to Ohio, while on visits, remaining less than a month each time, did not give her her freedom when she returned to the state.

Collins v. *America,* 9 B. Monroe, 565.

A number of questions have arisen as to the character of registered and indentured servants. In the case of Nance v. Howard, Breese, 183, it was held that registered servants were property, and could be sold under execution.

In Phoebe v. Jay, Breese, 207, it was held that indentured servants under the Constitution of 1817, do not become free by the death of the master, but pass to the legatees, executors or administrators, but not to the heirs-at-law, but that an administrator can only sell the servant, and cannot require the performance of service. The doctrine as to the validity of indentures was re-affirmed.

Sarah v. *Borders,* 4 Scam., 545.

In the case of Boon v. Juliet, I Scam., 258, it was held that the children of registered servants under the fifth section of the act of September 17, 1807, were not within the provisions of the third section of Article VI of the first constitution, but were free and could not be held to service. As the constitution only provided that persons who had been bound by *contract or indenture,* should serve out their time, and did not mention the provision of the act of 1807 as to their children, the children became free.

In Kentucky a case arose as to the effect of the Registration Act of 1807 of Indiana, on the status of slaves owned before the removal into that territory.

Rankin v. *Lydia,* 2 A. K. Marshall, 471.

The court says that as the article of the Ordinance of 1787, provides that slavery or involuntary servitude is prohibited, that when a person was brought into the territory and indentured or registered, that they were no longer slaves, and that when taken back to Kentucky, they brought an action for their freedom, the former master was estopped from claiming them as slaves. In this case while in Indiana, the registered servant had been sold several times and the last time to a resident of Kentucky, who took her back to that state, where she brought an action of assault and battery to test her right to freedom. It was held that the act of registration was equivalent to emancipation and she became free. The question of the right to her as a servant was not made. This is more consistent than the decision of the Illinois courts, holding the servants to be property.

THE EFFECT OF THE ADMISSION OF A STATE UPON THE PROVISIONS OF THE ORDINANCE OF 1787.

The authorities to the effect that the adoption of a state constitution and admission by Congress, abrogates by common consent, all the provisions of the ordinance which were contrary to the provisions of the constitution are too numerous to require citation, but the statement by Chief Justice Taney in the opinion in Strader v. Graham, 10 Howard, that the adoption of the federal constitution superceded the provisions of that ordinance, are not so generally known, and I have found no other case which decides this question. It seems to be unnecessary to the determination of the case, and may well be doubted.

The number of negroes in Illinois at the close of the British occupation, has been estimated at about 650, but whether this number included negroes and mulattoes brought in and indentured or registered under the act of 1807, I have not been able to learn.

Of course the effect of the adoption of the Constitution of 1848, made slavery and involuntary servitude illegal in Illinois. Whether there were any of the original slaves living at that time, I have not been able to learn, but they must have been few, if any; but these may have been indentured servants, as they might have been brought in up to 1818.

OLD SETTLER TALES.

(By Mabel E. Fletcher.)

COMFORT'S WEDDING.

Once upon a time a great many years ago, there lived in the western wilderness two young people so good and handsome and true that they were loved by their neighbors for a distance of one hundred miles. The young man's name was Severe Stringfield, and the young woman's name was Comfort Rhodes. Now Severe's disposition did not suit his name, as you may already have guessed, for he was a bright, smiling youth, always ready to do any one a favor. Comfort's name *did* suit her, for a better maid of eighteen never washed the faces of her little brothers and sisters, combed their hair, and taught them to "make their manners."

When Comfort's mother heard that Comfort and Severe were to be married, she immediately put her homespun apron to her eyes and wept. Then she withdrew it and began to plan the wedding feast and the wedding gown.

"You must be married in blue," she said, "for that's your color; and you must wear your grandmother's lace shawl."

"And we will have a wedding supper," boomed Comfort's father. Mr. Rhodes was a giant of a man with grizzled hair and black eyes under white brows.

Comfort smiled and agreed to everything, for she was very happy. The greater part of every day now she sat in the corner and merrily turned her spinning wheel, for down in Pone Hollow Severe was building a small new cabin. No linen could be too carefully spun for that cabin.

The wedding was set for the first of May. All spring Severe had been plowing his little patch of ground in Pone Hollow by moonlight, because of the green-headed flies. These insects were a great trouble to the early settlers, for they were everywhere, and if the young horses and cows were exposed to them, they were often stung to death. Hence, men plowed and planted and even traveled by the light of the moon.

A neighbor woman, Drusilla Harvey, rode fifty miles across the prairie to help make the wedding dress. She was a thin woman with a sharp tongue and a twitching thumb, but she could sew better than any one, Comfort thought.

At last the wedding day came, seemingly a perfect day in May. The wild crab apple blooms lay like a pink, fragrant blanket on all the little hills, and in the redbud trees the bees hummed and hummed. The redbirds whistled down in the valley, and all the father thrushes in the country warbled while their mates sat on nests cunningly hid in the wild rose bushes, waiting for their babies to come.

Then, about nine o'clock, there came over a cloud from the northeast. It was followed by another, then another. In a half hour the rain was falling fast, and pretty Comfort stood in the open door of the cabin, gazing sadly out at the streaming landscape.

"There, don't you mind," said her mother. "A little rain won't keep anybody away. The men'll be glad to stop their planting. I reckon everybody'll be here."

There were three seasons for the pioneers of that time: winter, spring, and fall. In the winter they hunted wolves and deer; in the spring they plowed the rich black soil and planted oats, corn, and a little wheat, in the fall they drove to Chicago (200 miles) to sell their oats at twelve and one-half cents a bushel.

"I'm not crying for that," said Comfort. "It's the river I'm afraid of. You know Omey said yesterday that it's been raining hard up north for a week. All the creeks up there are out of their banks. Severe said yesterday that the river had risen a foot. And then we hadn't had a drop of rain. What will it be by night? I'm afraid we can't go h–home to-night."

Severe's cabin lay a half mile from the Rhodes cabin, on the other side of the river. There was not a bridge within fifty miles; you forded the muddy waters on horseback, or else, if you were on foot, you crossed gingerly on the trunk of a great fallen oak.

"The water was up to the log yesterday," said poor Comfort.

"Never mind; I reckon Severe can ford the river on old Jinny, if the worst comes to the worst. Now you'd better help me with those pies."

The hour of the wedding had been set for three o'clock in the afternoon, so that the guests (there were to be twenty in all) might arrive in plenty of time. Some of them lived thirty miles away. Then would come the marriage feast. The guests who lived only a short distance away, ten or fifteen miles, would return that night; the rest would be disposed of somehow in the Rhodes cabin. Luckily it had a loft.

By one o'clock the guests had arrived. First came the Pancake family, with five little Pancakes of varying degrees of roundness and thickness. The children were all so jolly and healthy looking as they crawled out of the covered wagon and scampered into the house, that both Comfort and her mother kissed every rain-wet cheek. The Pancake baby was so joyful over being allowed to come to a wedding at such a tender age that he crowed until he doubled up and hung motionless over Comfort's arm.

Next came the two Stringfield's, Severe's father and mother. They were simple, kindly people in rough homespun. They greeted Comfort happily, for they felt that their son was getting a good wife.

After that there was a thin trickle of guests for over an hour. Old Granny Sharks, who was rheumatic and very ill-tempered, had insisted on coming, in spite of the rain. She was in a pet by the time she was put down on the hearth, still glued to her rush-bottomed chair, from which she had refused to be separated.

"Them a-tryin' to mek me stay to hum!" she sniffed to Comfort. "I told 'em I was comin' to see you married if I had to swim! And I be comin', I be!"

She glared at Comfort and repeated violently, "I be!"

Finally Granny took out from her pocket her corncob pipe and began to smoke. Gradually her anger melted, and by the time Comfort was dressed in her bridal finery, Granny was fast asleep, her chin dropped on her bosom.

When it was three o'clock, Comfort began to dress. Her gown was of blue and white calico. There were four widths to the skirt, the two front ones being gored. The waist was very short, and fastened behind with a draw string. The sleeves were immense, tapering from the shoulder to the wrist. "Sheep-shanks' sleeves," they called them. You will smile when I tell you that they were thickly padded with feathers to make them keep their shape.

No big sleeves and no queerly hanging skirt could dim the rosy beauty of Comfort's face, however. She was well satisfied with her new calico—didn't it cost forty cents a yard? And when she threw about her plump white shoulders the shawl which had come from England, there was not a prettier sight in the whole world.

But the bridegroom—where was he?

When the rain had started, he was in the new cabin, putting up a shelf for Comfort's few precious pewter dishes. As the drops came faster and faster, until in fact, the very heavens seemed to pour down upon the earth, he decided to wait there until after the deluge passed. As the hours went on, the rain came faster, if possible. There was plenty to eat in the house, for he had furnished it well for his young bride, but Severe would not eat. He wished to break bread for the first time in the new home with Comfort.

Finally, when it drew near to three o'clock he became alarmed. He had intended to dress here; he had brought his wedding clothes—new butternut jeans and a pleated shirt. Such finery would be ruined in five minutes in such a rain.

Then a bright idea came to him. He snatched up a buckskin meal sack and thrust the garments into it. Tying the mouth of the bag tightly with a bit of buckskin string, he gave one last glance at the cozy cabin, and then walked out into the downpour.

It was an anxious bride who greeted him ten minutes later, as he stood dripping on the Rhodes threshold. He answered the banter of the guests smilingly, and then looked soberly at pretty Comfort.

"Comfort," he said, "I hadn't calklated on comin' like a frog the first time I married you. But I've got all my glory in this mealbag. I reckon I'd better crawl into the loft and put it on. And then if there's any eatin', I move we eat first and be married afterwards. I'll tell you why. The river's rose awful, and I know Old Liveforever's goin' to have a hard time gettin' here."

Comfort nodded gravely. "It seems as if everything's just trying to spoil my wedding day," she said with tears in her eyes. "The Blaines haven't come—on account of the high water, I suppose—nor the Joneses nor the Wheelers."

"All the more for us to eat, then," cried Severe cheerfully, as he crawled into the loft.

The minister who was to marry them was to come from the settlement thirty miles away. He was called Old Liveforever, because of his peculiar beliefs. Man, he said, was not meant to die. He himself never meant to die. Old Liveforever had made preaching engagements for five hundred years ahead.

When Severe descended from the loft, he took his place at Comfort's side, and good Mrs. Rhodes, aided by a very fat neighbor who wheezed as she walked, waited on the guests.

Such slices of bear bacon as were eaten—such haunches of venison! What a number of pies disappeared, and what quarts of coffee made from roasted wheat! And what happiness there was in the log house, even though the rain poured outside and the minister was many watery miles away!

Just about dark, Mr. Rhodes suddenly lifted his hand for silence.

"I hear someone shouting," he said.

Sure enough, there came a long call. "Severe! Severe Stringfield!"

"It's the minister," cried Severe joyfully, and ran to the door. The rain had ceased at last.

"I'll run down to the river and meet him," said Mr. Rhodes, and off he splashed.

A little later he came back with a sober face.

"He can't get across," he said. "The water's turrible high, and his horse won't swim it. He says for you to come down to the bank and he'll marry you anyway."

Severe turned to look at Comfort.

"I suppose that we might as well," she said.

Then what a hurrying to and fro there was in that little backwoods cabin! Granny had come to life again, and she gave more shrill commands in one minute than two people could possibly fulfill in a half hour. Mrs. Stringfield looked down the path to the river; then she turned doubtfully to Comfort's mother.

"I'm thinking," she said, "that if we see our children married, we'll have to wade."

And that is exactly what they had to do.

Soon there rode forth from the little house, on old Jinny, the bridegroom and his bride. Comfort clung lightly to the stalwart form of Severe, and she wore around her shoulders the delicate web of the white shawl. As the horse paused for a moment in the light which streamed out from the open doorway, Mrs. Stringfield thought that she had never seen a lovelier sight than the face behind that of her boy. The dampness had made little straying ringlets around the edge of the straw bonnet, and on the girl's breast some one had pinned a fragrant cluster of wild crab apple blossoms. Then old Jinny, of her own accord, started with important steps down to the river. After her came the wedding guests, shrieking and laughing as they waded bare-footed through the mud and water. Ruin their shoes, even for a wedding? Never! When I tell you that the best imported calfskin boots of those days cost five hundred

dollars, you will not wonder that these thrifty people tried to save their sturdy foot covering.

Presently all reached the shore of the river. The tall form of the parson could barely be made out as he sat on his great horse under the big willow on the opposite bank.

"I can't see you," he called.

Then by dint of much coaxing, he forced his horse out into the yellow water, until it came up to Old Dobbin's flanks. And then and there, by the light of a flickering pine torch, with the river hurrying by and the whip-poor-wills calling in the timber, Severe and Comfort were married. Severe had no money, but he promised to pay his fee in maple sugar the following spring.

It was here that old Jinny surprised everybody. Whatever made her do so, no one ever knew, but she calmly walked out into the river and was stemming the current before Severe could tighten the reins. She swam steadily through the water and finally came out on the opposite bank, where she stopped by Dobbin.

How the wedding guests shouted and laughed! And how pleased was Severe! How concerned Comfort was over her bedraggled gown!

In pioneer days, however, few tears were shed over the unexpected and unpleasant, and in a few moments the young people were smiling to think how much sooner they had come home than they had expected. They waved a good-by, which no one saw, to the little group with the torch, and shouted to them a last message for Granny, who had been left in the cabin.

Then, with the preacher, they rode slowly up the bank and through the woods to their own little cabin with the bed, the blue chest used as a table, the settle, and the shelf for the precious pewter. This was home.

PART III

Contributions to State History
1916

THE FOX RIVER OF ILLINOIS.

(River of the Bos Bison, or, as we name it, the Buffalo.)

(By the Late J. F. Steward.)

On an old map, without date, and its legends in latin, but probably made before 1632, as it shows none of Champlain's delineations of that year but copies many errors of the earlier Spanish cartographers, is shown a lake named "Hagonantens," at the head of the St. Lawrence River. This lake represents some vague idea of Lake Michigan, as advanced by the natives, as evidenced by a bay marked "Puants," the region then occupied by the Indians of Green Bay. Other lakes are omitted. Beneath the last word quoted is found "Assistagueronons," the

Fragment of Franquelin's map of 1684.

word having reference to a tribe later known to the French as "Nation de Fue," (Nation of the fire); the last word quoted being a misinterpretation of the Algonquin term for our prairies, "Muscoda").

The Mascoutens, the people of the prairies, (the name spelled a score of ways), later sometimes called by the French ("Gens de Prairies") were, possibly, a branch of the Pottawottomies of the prairies, who occupied the region roamed over by the buffalo at the head of, and over the prairies that border, our historic river, the "Pestecuoy" of Franquelin's maps of 1684 and 1688. The name of the river, variously spelled by the French traders, in all Algonquin tongues, was that of the great bison then of our prairies but later limited to the western plains.

On the Franquelin maps are shown some of the names of the Mascoutin tribes whose hunting grounds and villages bordered the headwaters of our beautiful stream.

The map of 1684, one of the first to show the stream in its entirety, places its course approximately correct, but its windings are much exaggerated. The crooks are due to the fact that the great trail passing from Kaskaskia, the town of the Illini tribe on the river of their name near Utica, (traveled by La Salle and his men) approached the river only at its western bends.

The long sweeps to the east are thrown too far. Nicolet traversed the region west of the lakes, but left us few details, and none regarding the trails. Mèdart Chouart des Groseillers and his brother-in-law Radisson, traveled the region before 1660, and that year learned of the existence of the Mississippi River, disguised in a Dakota name.

An earlier map shows our stream, however; although not dated, it is considered by Harrisse, the French critic of the American maps, to have been produced in 1679. This map, reproduced by Pinart and said by him not to have been made later than 1680, is of much importance, as at the river's head is shown a small lake which, although not named, answers for Pistakee Lake of our day, or perhaps one of the other small lakes. Although the river bears no name, its showing is of moment because, west of Chicago, is seen a short line crossing the stream and thereby the French word "Saut," that word meaning a rapid. How can we account for this showing except by assuming that a well known trail there crossed and had been traveled by various traders?

We find other old French maps, De Lisle's, for instance, showing a trail passing from the Mississippi to "Chicagou," and crossing our stream

some distance above its mouth. It is believed that the trail shown on map No. C. 17701,* in the Bibliotheque National, at Paris, was laid down by mere guess. On this map, along the Fox River of Wisconsin, is a dotted line and the words "Chemin de l'Allée"; and from opposite the mouth of the Des Moines, a cross-prairie line to the place of the Kaskaskias, below the mouth of our river, marked "Chemin du Retour," meaning, in plain English, route of the return.

The last named trail does not agree with those of other maps and besides, Joliet and Marquette did not return that way, as implied.

Reliable maps, however, show a dotted line passing up Rock River, (the Assinnesepe), to the Grand Detour, thence striking off to the southeast, thence eastwardly and then deflected toward "Chicagou." The southeastwardly deflection is undoubtedly the part laid down by Blanchard as the Kishwaukee trail that crossed our Fox River at one of the several rapids along the great bend in Kendall County, and there joined the path known to the early settlers as the Sac and Fox trail. There is little doubt that the particular rapid is that which passed over the rock bottom at the southeast corner of Little Rock Township, crossed by my parents in prairie schooners in 1838, they having followed the Kishwaukee trail for a little distance from the northwest, crossing the river by the Sac and Fox trail it there joined. Along the river, both in the township last mentioned and Fox Township, are evidences of early occupation. Here was the Miami town of Maramech, on the historic trail; and not far distant, on the hill, bared to the midday sun, still rest many of the denizens of "That great village." Father Allouez is supposed to have visited our region at an early date. LaSalle, from early in 1679 to 1683, became well acquainted with our river, as he traveled on foot several times from his military headquarters and trading post at Fort St. Louis, (on Starved Rock, of our day) to Chicagou, sometimes passing along the "Divine" (Desplaines), and at other times taking the trail west of and along the "Pestecuoy," soon crossing the latter near the middle of the western line of Kendall County; or continuing to the large bend where, earlier in 1679, he had established the headquarters of his "Colonie du Sieur de LaSalle." It was LaSalle who gave to Franquelin, the Official Cartographer of New France, the information that enabled the latter to so well map in our river in his 1684 and 1688 delineations, the bends exaggerated, but correctly showing the native villages along its banks, and its general course not bad. The sites of some of the villages have been located by implements and fire pavements of the cabins.

As we find villages laid down far above the "Colonie," it may yet be learned that, far earlier than the mention of the route by St. Cosme, traders had passed up the Root River of Wisconsin, at the mouth of which is Racine, and portaged across to the headwaters of our stream; and it may have been they who first made known to the map makers of 1679 and later, the crossing trails and the towns of our river. It is not out of place to here state the fact that all researches have shown that the erstwhile river of our Buffalo was better known, as shown by

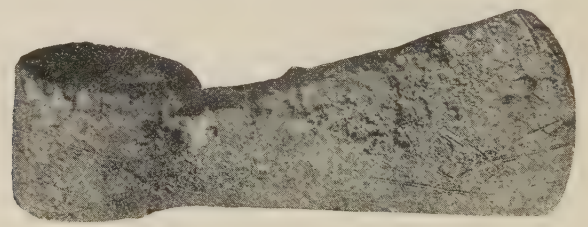
* It is largely copied from Joliet's map of 1673, but is alleged to be a "map of the new discoveries that the Jesuit Fathers have made in the year 1672 and continued by the Rev. Father Marquette of the same company, accompanied by some Frenchmen, etc."

the maps of 1679 to that of Popple, early after 1732, than any part of the west.

*Maramech, (also spelled Maramec, Maramek and Maraux) was the principal town of the Miamis (as recently made clear in my article published in the transactions of our Society), where Nanangousi, (also spelled Nanangousista) as promised by LaSalle, and Mesatonga were chiefs of the village. It was there that French traders early made their appearance, as shown by the relics (guns, axes, blankets, paints and trinkets) found in the graves of the Miami cemetery near by.

Of the villages along our river it was at Maramech that Nicholas Perrot was sent to supervise the Miamis and Illinois and keep them faithful to the French interests, and there made his headquarters. He had several trading posts, the one most mentioned being on the west bank of the Mississippi River, above Dubuque; and I have reasons to believe, one at Maramech, as it was there his influence was most felt.

The Mascoutins were largely at the headwaters of our river as stated, and it was they, the nearest neighbors to Maramech, who robbed him. Messitonga, it is most probable, was the war chief of the village,



French axe, found in passage to water down from the stockade on Maramech Hill, nine inches long.

and while in conference with Perrot, in 1694, some Mascoutins arrived at the cabin, when this was taking place, and reported that the chief was wanted at the village, as they were likely to be attacked by the Sioux, who were then at the lead mines. The Chief hastened to notify the people to prepare to protect themselves by building a fort. It seems probable that the people of the scattered village hastened to the island-like hill, "Rising gently to the west and northwest from a little river," a natural defence, high, in the forks of two small streams and on the other side bordered by swamps, where they worked for two days. The exact place is not made clear in the accounts, but the bank on Maramech Hill that forms the deeper portion of what, 36 years later served for a time as protection for a branch of the Foxes, is probably where the work began. Lying, as it does, within the limits of the erstwhile "great village" of Maramech (that crept along the clearer creek and along the river from the rock that gave the stream its second name, to a mile beyond Sylvan Spring); by common consent since my discoveries, the name Maramech Hill has been given to the eminence.

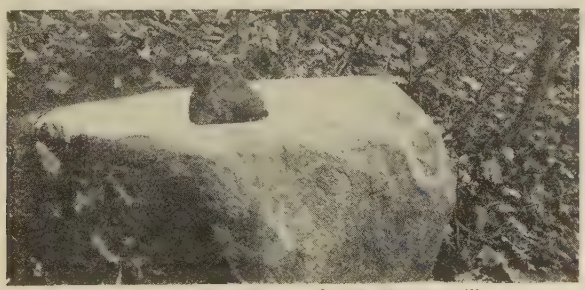
* The writer suspects that the name was never changed but that, following a custom of the French traders, the map makers also abbreviated. For instance: Nadouessioux is merely an Algonquin word meaning enemies, or our enemies. The Frenchmen took it to be the name of the Dakota tribes, and for short they were called by the last syllable, Sioux. For short, for the same reason, the Pottawatomies were called Poux, and Maramech may have been shortened to Maraux (the plural of the people of Maramech), as seen on several maps following the early ones.

There a great boulder marks the event which, more than else, makes the place, only a short pistol shot from the river, famous in our early history. No place was better known in the west and better detailed on the early maps than our river. Green Bay, the bay of the "Puants," was early shown, but the maps are blanks as to minor features. The early accounts make mention, hundreds of times, of the tribes of the bay and the river that leads to it, but details that mark our stream so

Fragment of one of Popples' maps. Note the isolated hill near Maraux.

clearly, are there wanting. Although Perrot was in charge of the Miamis, at Maramech, for a number of years, he makes little mention of the principal village in his memorial, but gave to La Potherie* details that make the story clear.

Popple's map, one of the latest to show our vicinity, only shows the position of the principal village, and the surrounding hills, in the "Big woods" that, for lumber, massive walnut trees were felled, no



A relic of ancient Maramech, Miami stone mill.

doubt, the heart of the metropolis. Here have been discovered many relics, and a mile upstream is still to be seen a great boulder, found with muller in place, under the accumulation of years of vegetable mold.

Smaller mills for grinding the meats of nuts, to season the mess of pottage, have been found and potshards, near this and other springs, were abundant before the plows had turned them to the sun and frost. Many implements of agriculture† have been thrown to the surface and

* De Lapotherie, "L'Histoire de l'Amerique Septentrionale."
† Six hoes have enriched my collection.

celts, and hammer stones have been carried away by relic hunters. The overflows of the river have often exposed the fire pavements of the cabins.

And under the trees that, during my youth, stood near the mouth of "Rob Roy" creek may have been the potteries of the village, as here more fragments of the potters art than elsewhere have been exposed. Sixty years of repeated exposure by the plow, to the frosts of winter have turned most of the fragments to dust.

When the tribes and villages disappeared is not known, but Perrot was instructed to order the Miamis of Maramech (the "Miamis of the grue"—the crane) to "move their fires" and join the branch of the tribe on the St. Joseph River. Charlevoix, who passed down the Illinois River in 1721, found scant remains of Fort St. Louis on Starved Rock, as we know the place, and makes no mention of the existence of La Salle's "Colonie, but he speaks well of our tributary river, saying: "The largest is named the Pisticuoi and comes from the beautiful country of the Mascoutins, and it has at its mouth a rapid named La Charboniere, because of the rich coal beds found on either hand. One sees on this

The Rock. Forty-five feet high and an acre in extent.

route little more than rich prairies, sown with little bunches of woods that appear to have been planted by the hand of man. The grasses are so high that one becomes lost but for paths that are as well beaten as in well-populated countries. However, nothing passes over them but Buffalo, and from time to time, herds of deer and antelopes."

It was from our river that, in response to the orders of the Governor, Perrot took about two hundred warriors along the lakes and down the St. Lawrence to join the French in an attack on the Iroquois, south of Lake Ontario.

The change of name from the river of the Buffalo to that of the Rock was not accepted as a whole; its upper portion, higher than the little lake, our summer resort, being beyond the frequent line of travel of French trade, the older name was late in use.

The original name there clung as late as the year 1838, as shown on the map in Lanman's History of Michigan. The name of the little lake now only remains, as an echo of the majestic herds that gave the river its poetic name, and sought its waters. The buffalo that so long character-

ized the prairies and timber shelters along the river soon gave way to another characteristic feature. The high rounded rocks (Rocher) each an acre in extent, their feet bathed by the stream, that were too hard to be cut away by the great glacial plowshare, as were the shales of the superincumbent strata. Riviere du Rocher (River of the Rock)! Trading posts, if not at the village, were not far away, as proven by the implements, weapons and trinkets yielded to the spades of the curious ones, where slept the disturbed and where still lie the undisturbed remains of the many, on the beautiful bluff, awaiting the call from the far west, where the lisping (and oft angry) waters of the great ocean still beat upon the shores of their longed-for happy hunting ground. No grave stones mark the place of sepulture, and no owl hoots from crumbling bell towers, but there, bared to the sun, the violets of spring enrich the green sward that cover the gentle and the brave, and there, as then, the golden rod marks the ripeness of the year. Children of Nature, they sleep in Nature's lap.

Two creeks bathe the foot of Maramech Hill and unite and pay their tribute to our stream, a mile above the rocks. What name before the reference, in the military accounts, to "Une petite riviere," was known, has not come down to us. May they not have been known as the Big and Little creeks of The Rock? When came the change to River of the Rock they became Big Rock and Little Rock Creeks, as now; but the larger creek, "The Little River" of the military accounts, may later have staggered under a new name, for a time, after the slaughter of 1730, and by common consent of the traders, assumed the name "Battle Creek," as was still echoed to the early settlers by its larger tributary, in Kane County.*

Attempts to mark the trails at this late day are found to be exceedingly difficult, and hence it is believed that Blanchard erred in placing the crossing of the river, by the Sac and Fox trail, in that it is too far south. As late as 1838 the early settlers placed the trail from the west to the great bend between Little Rock Township and Fox Township,

* Before me is a map of Kane county, published sometime ago by Rand & McNally. Consulting the map maker, he informed me that the names of the streams were carefully gathered from the old settlers, and on the map we find "Battle Creek."

where it crossed and wound up the hill and on to and beyond Specie's Grove, thence onward to Malden, in Canada, where the "British band" of Sacs and Foxes went to receive annuities from the British Government. The Hon. George Hollenback, the first white person born in Kendall County, believes as does Blanchard; as, when a boy he frequently saw Indians pass along the trail. Indian trails were always as straight as the surface of the country would allow, and the early stage routes often followed the trails. This was especially true at the fords. The Government survey of Kendall County, made in 1842, shows the stage route from Ottawa to Chicago as entering the county and cutting the northeast corner of Big Grove Township and passing across the Hollenback claims and on to the trading posts at Chicago.* In Little Rock Township the Kishwaukee trail joined the one known as the Sac and Fox trail after passing over "the little river" at the small rapid at the northeast foot of the historic hill. For a mile, or more, I knew it well, for, on patient "Old Grey" who, with his mate, had trundled a "Prairie schooner" all the way from northeastern Pennsylvania, I struck the trail and timorously followed it across the little rapid and through the dense woods to Penfield Post Office, long ago abandoned, on the north bank of our river, where it joined the other trail and Stage road, and where the ever scarce twenty-five cents were required to pay the postage on a single letter. At the foot of the historic hill the trail parted, one branch climbing the steep and passing over at the lowest place, its scar still visible. After the departure of the Miamis our prairies and the valley of our river became no-mans-land, hunted only by bands when strong enough to dare the undertaking; but trade, no doubt, continued, as French guns, blankets and trinkets were still in demand, and the desire and necessity for these formed partial protection to the traders.

The year 1730 brought to our river the climax of its history. War! On the hill is placed a boulder, and there we read:

"In this stockaded fort 300 Fox warriors, with women and children, were besieged by thirteen hundred French and allies, Aug. 17, 1730; escaped September 9th. Captured, ——tortured, ——killed. French trenches on the north end of hill. "The Rock," spoken of by Ferland, (Histoire du Canada), two miles south, is partly quarried away. The Maramech of Franquelin's map of 1684, was near. Site identified and stone placed by John F. Steward, 1874–1900."

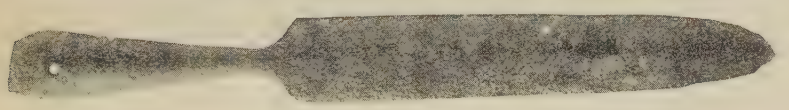
The main grievance of the French was the resistence of the Foxes to special aggressions of the traders, mainly because the Foxes opposed the taking of arms and munitions of war by way of the Fox River of Wisconsin, to their deadly enemies west of them. They also taxed the traders for carrying goods to other tribes by way of the region they claimed to monopolize. Early in 1730 information reached the French at Green Bay, the post on the St. Joseph River, and Fort Chartres, on the Mississippi, that the Foxes, to escape the persecutions of the French, had started to go to the Iroquois, which tribe had made proposals to receive them.

* The early maps of Hennepin and De Lisle support my belief and the Thevenot map disputes any opposing theory.

From the time of the destruction of the Foxes our river bore a still newer name which has perpetuated the sad event.* "Riviere des Renards"; River of the Foxes, in our tongue. Our written history of the river, for a time, is silent as the rocks that gave its second name, but in 1752 we read: "A squaw, a widow of a Frenchman who had been killed at the Vermilion, has reported to Mr. Desligneris that the Piankeshaws, the Illinois and the Osages were to assemble at the prairie of †....., the place where Messrs. DeVilliers and De Noyelles attacked the Foxes about twenty years ago, and when they had built a fort to secure their families, they were to make a general attack on the French."

The effort, however, miscarried, for some reason aside from trade. We thus find that the hill by our river was to be a hiding place for the old, the young and the women of the western tribes, while the main body of the warriors were to undertake to annihilate the French, or drive them from their hunting grounds.

Again silence; but early in the thirties of the last century or slightly before, a mission was established on our river and for a few years Indian students were taught our creeds. Then came the Black Hawk War, the history of which is yet well known. Suffice it here to say that near the mouth of Indian Creek, in LaSalle County, at the Davis farm, a number were slaughtered and two young women taken captive. On the east side



of the river, in the townships of Fox and Big Grove, in Kendall County, a portion of the Sacs created havoc among the early settlers, but none were slain, because of the early warning from Shaubena, the friend of the whites, through his son and nephew.

In digging a sewer, at Aurora, a few years ago, a lance blade, 18 inches long was found about four feet below the surface of the soil. It was probably received in trade by some native who used it as a hand weapon, as shown by the fact that the tang of the socket had been bent inward, and thus unfitted for a shaft. It had long been buried. It may have found its way by some of De Soto's men, or by the Spaniards who marched through our region in 1781. The age of the weapon must remain problematical as the use of the lance has extended, even in our country, to within half a century. A regiment of lancers was raised in Pennsylvania and served in the war for the Union from 1861 to 1863, after which carabines were substituted.

Returning soldiers from the Black Hawk War took to the eastern states wonderful stories of the fertility of our prairies, and then came emigrants from the Atlantic Coast, and the bordering states in increasing numbers, from year to year. When the early settlers arrived an Indian village still remained at the northeast corner of Fox Township. The Indians then had ponies and here was the racetrack where the sportsmen

* The story of the disaster is too long for this article, but may be found, in all its details, in "Lost Maramech and Earliest Chicago."

† The word omitted is not legible in the manuscript.

gambled as is the custom at our racetracks of to-day. In 1831 John Kinzie approached our river at our present Oswego, where he expected to find the people of Waubansie's village. Waubansie's village was where Oswego now stands. The chief was a hard drinker but was not willing that his warriors should have what he so much liked. A trader came down the river with a barrel of whiskey in his canoe. This did not suit the chief, so he stove the head of the barrel in, and emptied the contents into the river.

Waubansie had two wives, which fact he thought proper enough, but one day one did something that did not conform to his sense of propriety and he ordered the other to kill her; the latter having no feeling of jealousy, or for some other reason hesitated, and the chief at once dispatched the offender.

The tribe had gone on its winter's hunt. Turning down the trail, for some distance, he found an Indian woman digging wild potatoes, so called. She had a canoe (a dug out), and helped the party to cross the river, where her cabin was located. A lone Indian soon made his appearance, and the next morning, after a stormy night, he piloted them to Specie's Grove.

Near the "Rocks," where stands the "Old stone mill," that never turned a wheel, upon the eastern shore, in the ledge of rocks, now quarried away, was Black Hawk's Cave. At the opening a man could stand, but at a distance of fifty feet the cave terminated in a mere crevice. Why given that name is not known unless because of being near the trail, less than a mile away, over which, for years, had passed the British band of Sacs, with Black Hawk, the brave (never a chief) at the head. Hicks, in his history of Kendall County, makes a bad effort to describe the events at what we now call Maramech Hill. I told him of my discovery, then in its incipiency, but he took no notes and later made a story that does not accord with the facts.

Where roamed the majestic herds, are fields of corn; at the stream, erstwhile so rich in the finny tribe, are now wheels of industry; our ponds that grew the beautiful lillies (the macoupine of the natives) have largely disappeared; and where wild ducks and wild geese were in unbelievable quantities, few are found. Wild pigeons, in the early days, clouded the sky, yet here, in 1730, war and famine reigned. In these regions are now happy homes, and cities border the stream; the erstwhile *chrystal* waters of our river are now a dream; and the shades of the giant trees, that bordered the stream, felled by the ruthless axman, are but a memory.

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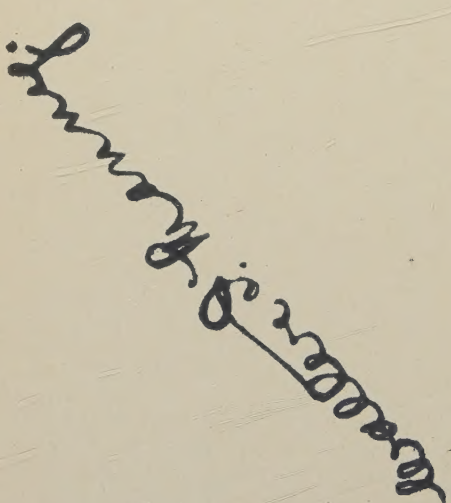

Sibley B. Gaddis
Route 1
Mt. Sterling, Illinois 62353

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